

20387

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Michael J. Baxley, Circuit Court Judge

Case No.: 2007-CP-10-1553

Jamesetta Washington, as Guardian ad Litem for
Jayden W., a minor.....Appellants,

v.

Edmund Rhett, Jr., M.D., Low Country Obstetrics and Gynecology, P.A.; Tenant South
Carolina, Inc. d/b/a East Cooper Regional Medical Center and AMN Services, Inc. f/k/a
Nurses RX, Inc.....Defendants,

Of Whom Edmund Rhett, Jr., M.D. is.....Respondent.

RECORD ON APPEAL
VOLUME 8

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MEDUCARE INFANT TRANSPORT FORM

Please complete with all the available information and send this form with the patient.

A. Patient Information

Infant's Name Washington
 Date and Time of Birth 3/16/02 @ 1937 AM
 Home Address 77 Cartwright Dr.

Referring Physician Dr. Ward Reason for Referral Apnea

B. Delivery Information

Prenatal Care Y N Maternal Age 20 Group B Strep Status - Treated -
 Antepartum/Postpartum Complications -
 EDC 7/19/02 EGA - ROM 7/16/02 0746
 Type of Delivery Vag C-Sect - Anesthesia -
 Apgars: 1 7 5 9 10 -
 Vit K ✓ Erythromycin oph ✓
 Blood Culture (Y) N 7/17/02 @ 0900 AM

C. Current Status (To be completed within one hour of transport)

Weight 7-10 HR 138 RR 44 BP 81/47 Glucose 92 @ 0830
 Temp 99.5 HCT - X-Ray Y (N)
 Respiratory Status: Oxygen % - Hood (Y) N

Ventilator - PEEP - IT -

Time 0910 Route IV
 Time 0930 Route IV

ECH 0085

rt, and cord blood if available.

12222196 280-A
 WASHINGTON, BABYBOY
 3/16/2002 M 7/16/02
 WARD, JAMES
 MED PECA 120-11-24 P.T. N
 F/C 2100 DR. 00090

EXH 2_085

Labor Summary						Labor Summary (Cont'd.)		Method of Delivery (Cont'd.)		
B	T	M	A	L	Type and RH	EDD				
1	-	-	-	-	A+	7/9/02				
Prenatal Events ☐ None ☐ No Prenatal Care ☐ Preterm Labor (< 37 Weeks) ☐ Postterm Labor (> 42 Weeks) ☐ Previous Uterine Incision ☐ Prenatal Complications						Fetus Gestational Age (Wks) <u>40^{1/2}</u> By Dates By Ultrasound		Method of Delivery (Cont'd.) ☐ Cesarean ☐ Scheduled ☐ Emergency ☐ Primary ☐ Repeat (x _____) ☐ Other _____ Operative Indication ☐ Previous Uterine Surgery ☐ Failure to Progress ☐ Placenta Previa ☐ Abruptio Placenta ☐ Fetal Malpresentation ☐ Fetal Distress ☐ Fetal Size ☐ Preterm ☐ SGA ☐ LGA ☐ Other _____ Uterine Incision ☐ Low Cervical, Transverse ☐ Low Cervical, Vertical ☐ Classical ☐ Hysterectomy ☐ No ☐ Yes ☐ Tubal Ligation ☐ No ☐ Yes ☐ Skin Incision ☐ Vertical ☐ Transverse		
Intrapartum Events Maternal ☐ Fetus (> 100.4" / 36" C) ☐ Bleeding - Site Undetermined ☐ Preeclampsia (mild/severe) ☐ Seizure Activity ☐ Medication ☒ None						Presentation ☒ Vertex ☐ Face/Brow ☐ Breech ☐ Transverse Lie ☐ Compound ☐ Unknown ☐ Cephalopelvis Disproportion (CPD) ☐ Cord Problems Monitor ☐ Intermittent ☐ Continuous External ☒ FHR ☒ UC Internal ☐ ☐		Position ☐ Frank ☐ Complete ☐ Single Footing ☐ Double Footing ☐ Back-up ☐ Back-Down		
Date	Time	Medication	Dose	Route		☐ Extended Fetal Bradycardia _____ min ☐ Extended Fetal Tachycardia _____ min ☐ Multiple Late Decelerations ☐ Multiple Variable Decelerations		Episiotomy ☐ None ☐ Midline ☐ Mediomedial L/R Location/Episiotomy Extension ☐ None ☐ Perineal ☐ Vaginal <i>intravaginal</i> ☐ Cervical ☐ Uterine ☐ Perineal ☐ 1" ☐ 2" ☐ 3" ☐ 4" Repair Agent Used <u>no Kegel</u>		
☐ Transfusion _____ units Blood Component _____ ☐ _____						Delivery Data Support Person Present ☒ Yes ☐ No Delivery Location ☒ LDR ☐ OR ☐ _____ VBAC ☐ _____ Number Previous Cesareans _____ ☐ Vertex ☐ _____ ☐ Spontaneous ☐ Manual Rotation ☐ Forceps (type _____) ☐ Outlet ☐ Low ☐ Mid ☐ Breech (type _____) ☐ Spontaneous ☐ Partial Extraction (assisted) ☐ Total Extraction ☐ Forceps (L/S) _____ ☐ Piper ☐ _____		Placenta ☒ Spontaneous ☐ Expulsed ☐ Manual Removal ☐ Adherent (type _____) ☐ Uterine Exploration ☐ Curettage Configuration ☒ Normal ☐ Abnormal _____ Weight _____ gms Disposition ☐ Lab ☐ Biohazard Disposal		
Amniotic Fluid Date <u>7/16/02</u> ☐ ROM ☐ Spont ☒ Artificial Time <u>0746</u> ☐ Meconium-Stained (describe) _____ ☐ Bloody ☐ Clear ☐ Foul-Smelling ☐ Cultures Sent _____ Time _____ ☐ Polyhydramnios ☐ Oligohydramnios ☐ Small ☐ Moderate ☐ Large						Placenta ☐ Placenta Previa ☐ Abruptio Placenta ☐ Normal ☐ Abnormal, describe _____		Cord ☐ Nuchal Cord (x _____) ☐ True Knot Length _____ cms ☐ 2 Vessels ☒ 3 Vessels Cord Blood ☒ To Lab Lab ☐ Type = RH ☐ Culture ☐ Coombs ☐ pH ☐ _____		
Labor ☐ Precipitous Labor (< 3 hrs) ☐ Prolonged Labor (> 20 hrs) ☐ Prolonged Latent Phase ☐ Prolonged Active Phase ☐ Prolonged 2nd Stage (> 2.5 hrs) ☐ Secondary Arrest of Dilation ☒ Induction ☐ None ☐ ROM ☒ Oxytech <u>Uterine Stim</u> ☐ Augmentation ☐ None ☐ ARM ☐ Oxytocin ☐ _____						Placenta ☐ Placenta Previa ☐ Abruptio Placenta ☐ Normal ☐ Abnormal, describe _____		Placenta ☐ Placenta Previa ☐ Abruptio Placenta ☐ Normal ☐ Abnormal, describe _____		
East Cooper Regional Medical Center Mt. Pleasant, SC Labor and Delivery Summary						ADDRESSOGRAPH 12161454 004-0 JAMESSETTA L 7/15/02 CRANES 119-95-95 P.T. 1 00102				

EXH 2_020

3503

East Cooper
Regional Medical Center
Mt Pleasant, SC

Labor and Delivery Summary

ADDRESSOGRAPH
12161459 004-C
WASHINGTON, JANSETTA L
7/26/1991 7/15/02
OSCEOLA, GRANGE
WFO 710 110-94-95 P.I.
7/27/1991 00102

NAME <u>Washington</u>		Time <u>AM 1937 PM</u>		Father's Name <u>Christopher Cross</u>	
Birthdate <u>7/16/02</u>		Length <u>21</u> IN.		Chest Circ. <u>13"</u> Head Circ. <u>14"</u>	
Weight <u>7</u> LBS. <u>10</u> OZ.		Race <u>AA</u>		Discharged <u>7/17/02 1020</u> Weight <u>10.2</u> NICK	
Sex <u>M</u>		Mother's Name <u>Jamesetta</u>		Mother's Age <u>28</u> GBS Status <u>NEG</u> Hepatitis B Status <u>NEG</u>	
Obstetrician <u>Dr Rhee</u>		DELIVERY			
Attending Pediatrician <u>Dr Ward</u>		Spontaneous ☐ Cesarean Section ☐			
		Forceps ☐ <u>19</u>			
Apgar		Newborn RH <u>+</u> Blood Group <u>A</u>			
1 min <u>7</u>		Mother's RH <u>+</u> Blood Group <u>A</u>			
5 min <u>7</u>		Complications (Prenatal) <u>2000</u> Coombs <u>+</u>			
Treatment of Eyes <u>Erythromycin put on</u> Cord <u>Tylenol</u>		(Labor)			
Medication: <u>Vit. K. D. 5 / m. In ED LT 2000</u>		Breast ☐ Bottle ☐			

NO ABNORMALITIES	ADMISSION EXAMINATION Description of Abnormal Findings	DISCHARGE EXAMINATION Description of Abnormal Findings
1 General Appearance (Alertness, Activity, Tone, Color, Hydration, Cues)	APV EA	Transfer
2 Skin (Rashes, Bruises)	this Am	mise
3 Head, Neck (Swelling, Cervical Abnormalities)	later here, 12	NICK
4 Eyes		
5 Ears, Nose, Throat, Mouth		
6 Throat (Including Breast Hyperplasia)		
7 Lungs		
8 Heart		
9 Abdomen (Including Umbilical)	Suspect	
10 Genitals	sepsis	
11 Trunk and Spine		
12 Extremities (Including Clonus, Nails)		
13 Reflexes (Place, Grasp, Burial, Suckling)		
14 Anus		

Term of Infant see Above note Term of Infant Transferred mise NICK

Physician's Signature <u>J Ward</u>	Date <u>7/17/02</u>	Physician's Signature <u>[Signature]</u>	Date <u>7/17/02</u>
-------------------------------------	---------------------	--	---------------------

Epinephrine Vaccine Date Not given See Not given Inkjet Not given

Manufacturer Not given Lot # Not given Exp Date Not given

East Cooper Regional Medical Center
Mt Pleasant, SC 29464
NEWBORN INFANT REPORT

WHITE / CHART YELLOW / DOCTOR
42630 0345HUR005 601 EC45428W182480

ADDRESSOGRAPH

ECH 0090

12222196 280-A
WASHINGTON, BABYBOY
7/16/02 M 7/16/02
MED FLEX 120-11-24 P.T. N
F/C 2100 DR. 00090

White - Chart Copy Yellow - Doctor's Copy 0345HUR005

MOTHER
Gravida 1 Para 0 Blood Type A+ RH A+ Age 30 EDC 7/9/02
Delivery [redacted] Complications
Membranes Ruptured: Date 7/16 Time 0746 Appearance clear

INFANT 3470
APGAR 7, 9 Birthdate 7/16/02 Time 1937 Birthweight 7 lbs 10 oz.
Del. Dr. Rhett Baby's Dr. Ward L&D Nurse Judy Muncie
Race Black Initial Rectal Temp. 99.6 HR 152 RR 76 Breath Sounds coarse
Abnormalities Noted none ID Band # 36895 Head 14"
Chest 13" Length 21" Erythromycin Oph. Oint. 2w 2000
Aquamephyton 0.5 ml Im Mgm. Time 2000 LLT Administered by [signature]

Color of Infant	☒ Pink ☐ Pale ☐ Acrocyanotic ☐ Cyanotic ☐ Jaundiced	Neurological	☒ Reflexes Good ☐ Active ☐ Lethargic ☐ Jittery	Genitalia	☒ Testicles Descended ☐ Scrotum Swollen ☒ Penis Normal ☐ Labia Normal ☐ Labia Swollen ☐ Labia Bruised
Appearance of Skin	☒ Clear ☐ Smooth ☐ Peeling ☐ Cracked ☐ Petechiae ☐ Forecap Marks ☐ Mac. Stained ☐ Verru Present	Umbilical Cord	☒ 3 Vessels ☐ Stained ☐ Other	Gestational Age	☐ SGA ☒ LGA ☐ Term ☐ Premature ☐ Postmature
Respirations	☒ Regular ☐ Shallow ☐ Grunting ☐ Retracting ☐ Nasal Flaring	Head	☒ Eyes Clear ☒ Face Symmetrical ☒ Cephal ☐ Fontanelles Normal ☐ Palate Intact ☐ Sutures Overlapping	☐ Warmer ☐ Isotonic ☐ Suctioning ☐ Oxygen	
Character of Cry	☒ Lusty ☐ Weak ☐ Shril	Trunk	☒ Symmetrical ☒ Breasts Normal	☐ Breast Feeding ☐ Bottle	
		Buttocks	☒ Symmetrical ☒ Sacral Dimple	Time Assessment Done: [signature] AM/PM	
		Extremities	☒ All Digits Present ☒ Extra Digits ☒ Symmetrical ☒ Proper Alignment ☒ FX Clavicle Click ☒ Hip Click ☒ Pulses (palpable)	RN Signature [signature]	

CLINICAL ESTIMATE GESTATIONAL AGE

Gestational Age	0-35 Wks.	37-38 Wks.	39-40 Wks.
Sole Creases	1 Ant Trans Crease	Occ Creases to heel	Creases to heel
Breast Nodule Diameter	2 MM.	4 MM.	7 MM.
Scalp Hair	Fine & Fuzzy	Fine & Fuzzy	Coarse & Silky
Ear Lobe	Pliable - No Cartilage	Some Cartilage	Stiffened by Thick Cartilage
Testes & Scrotum	Testes in Low Canal, Scrotum Sm. Few Rugas	Intermediate	Testes Descended, Scrotum Pendulous, Exten. Rugas
Labia Clitoris	Labia Wide C Clitoris Prom.	Intermediate	Labia Closed over Clitoris

CALCULATED
GESTATIONAL
AGE 40 WEEKS

East Cooper
Regional Medical Center
Mt. Pleasant, SC 29464

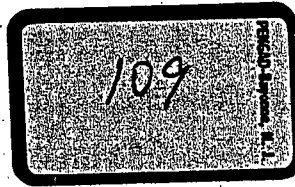
NEWBORN ADMISSION ASSESSMENT

Rev. 5/01 EC7/032

ADDRESSOGRAPH [redacted] 7/16/02
WARD: JAMES
MED REC 120-11-24 P.T. N
F/C 2100 DR. 00090

ECH 0105

EXH 2 103



ECH 0300

Name: WASHINGTON, JAMESETTA
Patient ID: 119-95-95
Printed by: Fello, Rona, RN

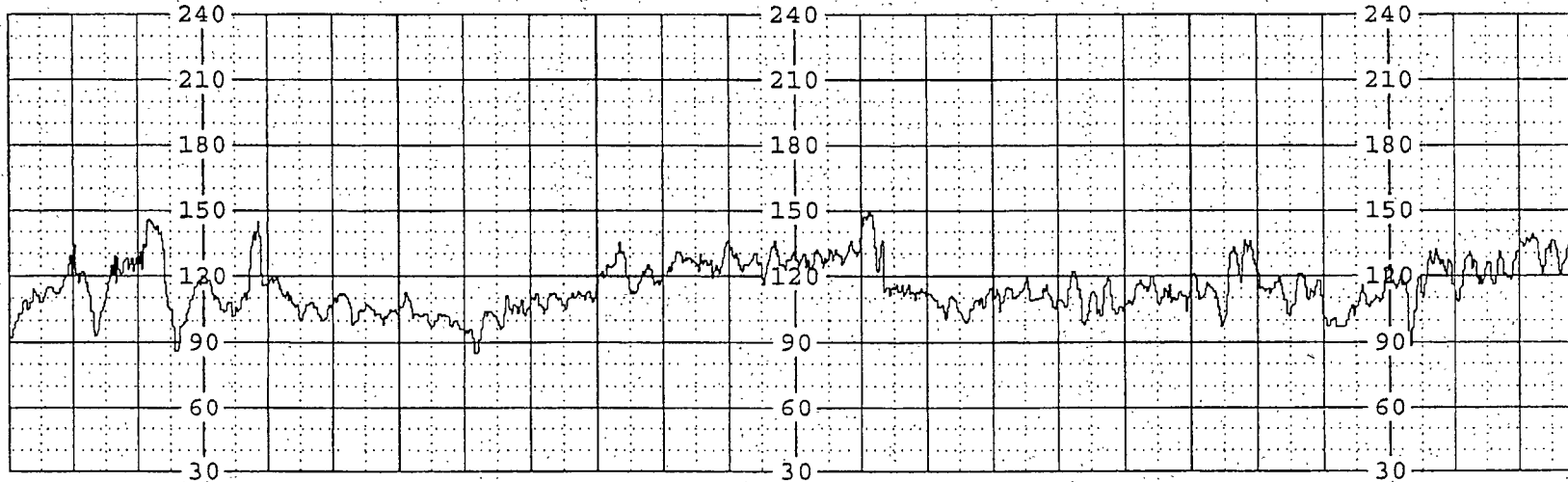
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Page: 184

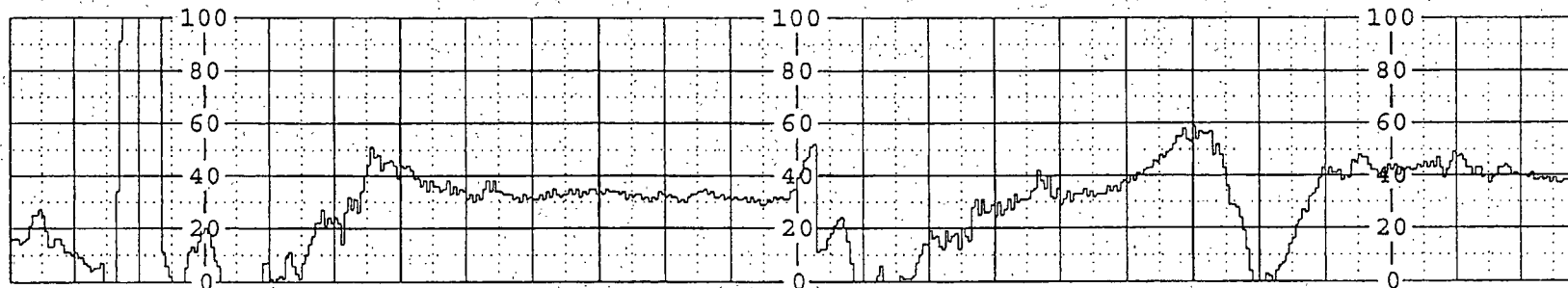
18: 11 07/16/2002

18: 15

18: 19



*3cm/min, ext TOCO in/FECD in.



ECH 0301

Name: WASHINGTON, JAMESETTA
Patient ID: 119-95-95
Printed by: Fello, Rona, RN

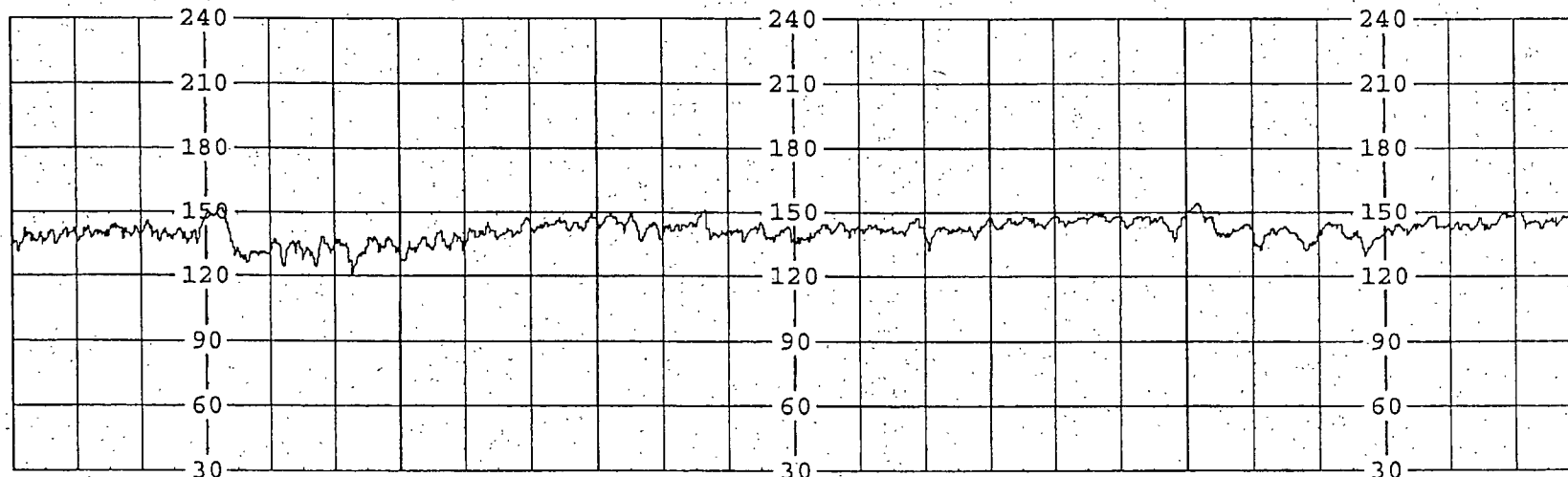
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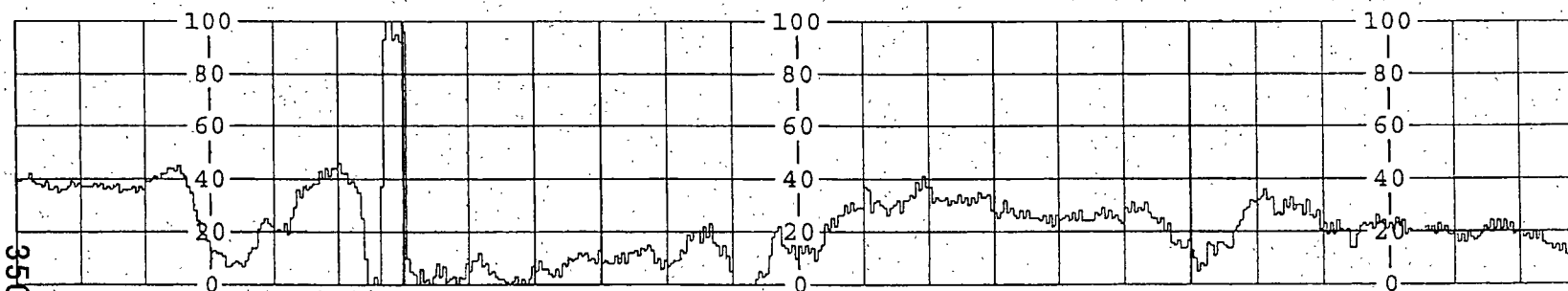
18: 19 07/16/2002

18: 23

18: 27



NIBP 119/69 Hr 84



5509

ECH 0302

Name: WASHINGTON, JAMESETTA
Patient ID: 119-95-95
Printed by: Fello, Rona, RN

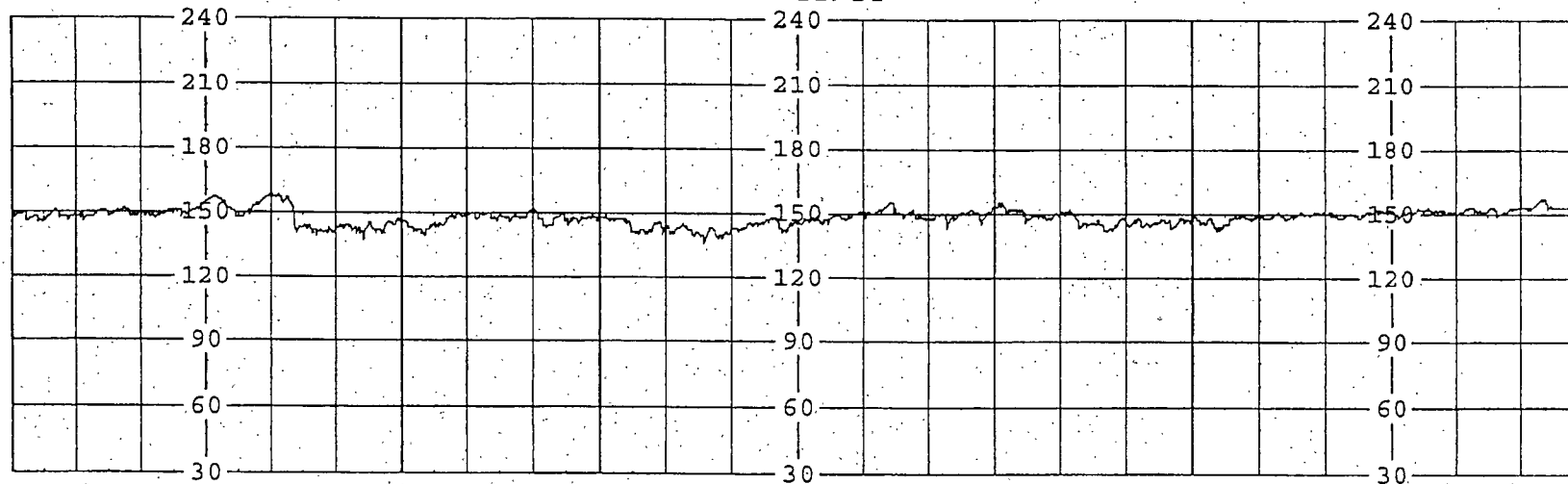
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Page: 186

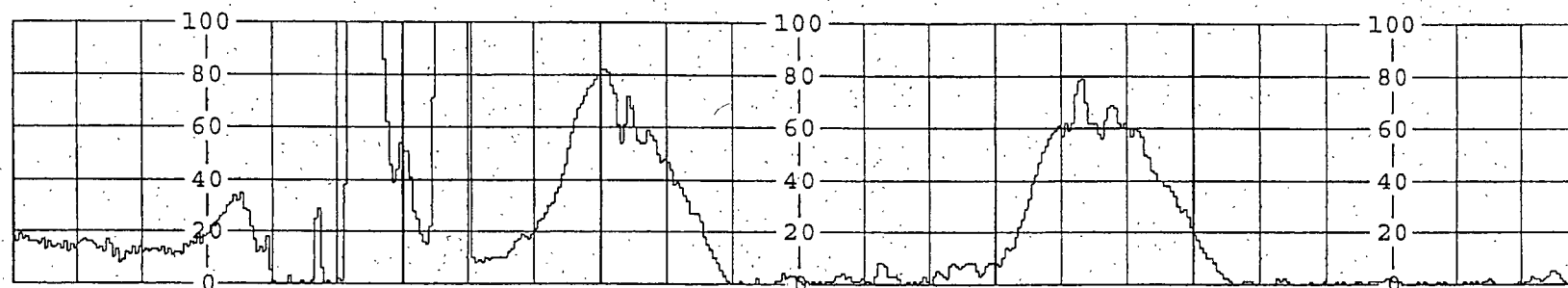
18:27 07/16/2002

18:31

18:35



3cm/min, ext TOCO in/FECG in



ECH 0303

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Patient ID: 119-95-95
Printed by: Fello, Rona, RN

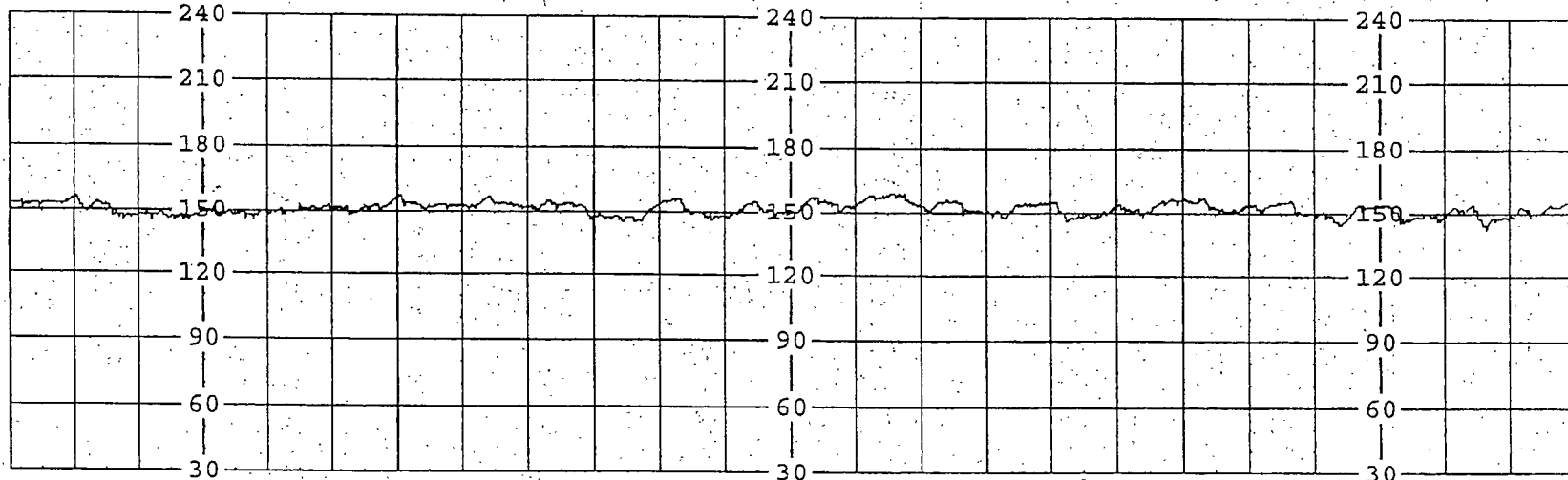
Printed at: 04/24/2007 14:55

Page: 187

18:35 07/16/2002

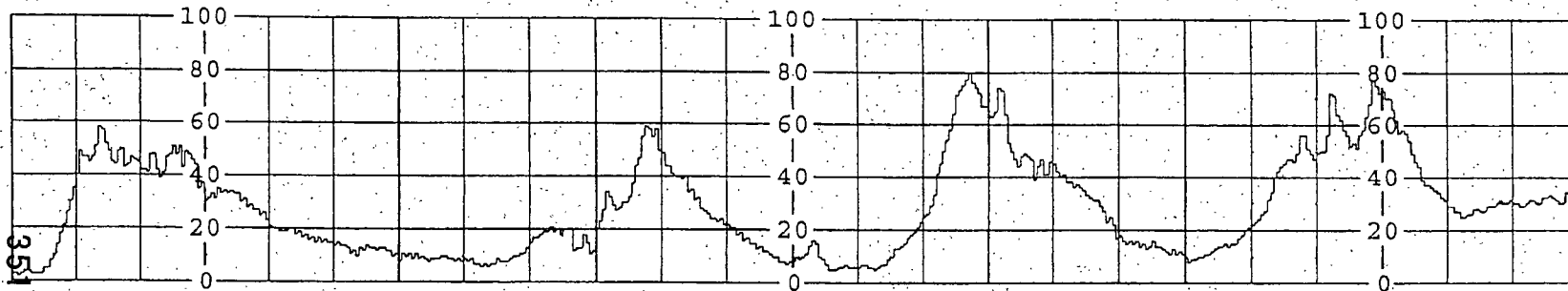
18:39

18:43



NIBP: 123/70 Hr 85

*DEA MULTIPLE FAMILY MEMBERS AT BE
*DEA DELIVERY TABLE TO ROOM



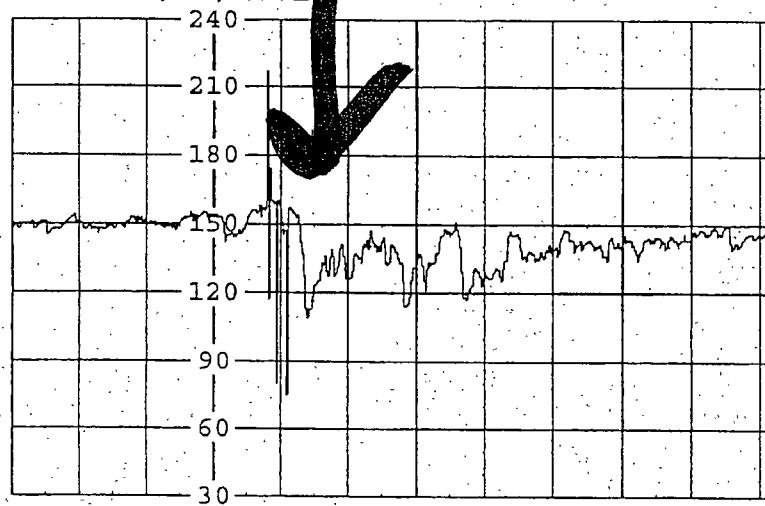
5511

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Patient ID: 119-95-95
Printed by: Fello, Rona, RN

Printed at: 04/24/2007 14:55

Page: 188

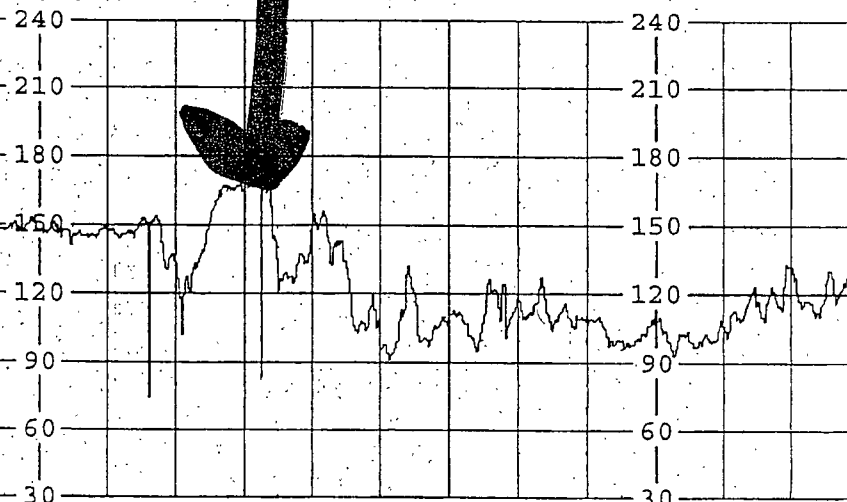
18:43 07/16/2002



DSIDE

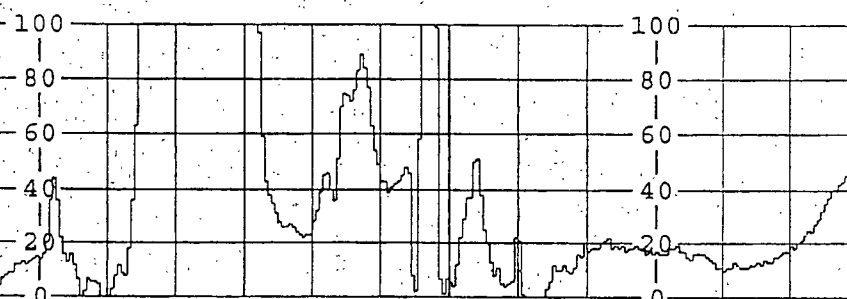
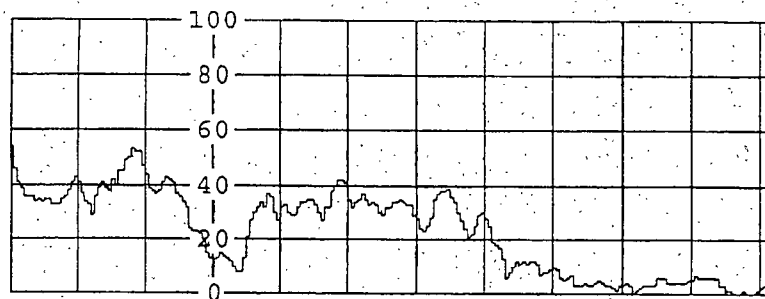
*DEA PT CALLS OUT WITH URGE TO PUSH
*DEA SVE ANT LIP SLIPPED AWAY
*3cm/min ext TOCO in/FECG in

18:47



18:51

*DEA CERVIX STILL PRESENT- P
*DEA WORK WITH PRESSURE BUT



ECH 0305

Name: WASHINGTON, JAMESETTA
Patient ID: 119-95-95
Printed by: Fello, Rona, RN

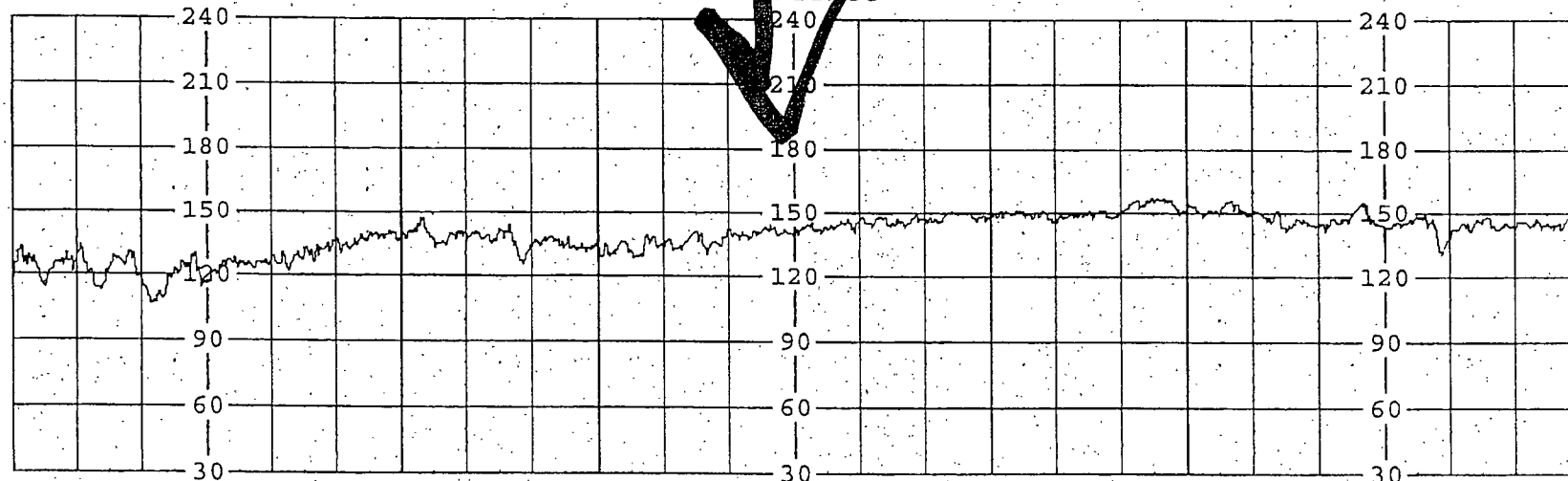
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Page: 189

18:51 07/16/2002

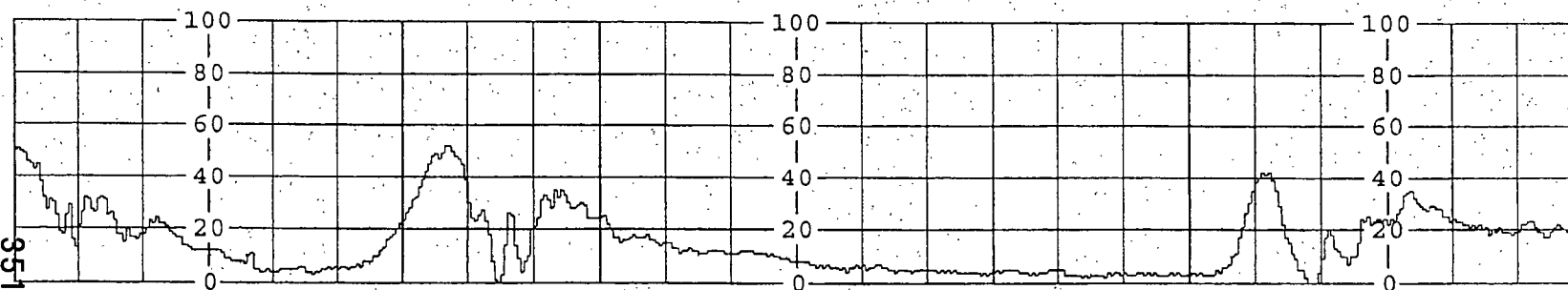
18:55

18:59



T ENCOURAGED TO
NO TO PUSH

*NIBP 109/68, Hr 95



5513

FXH 2 306

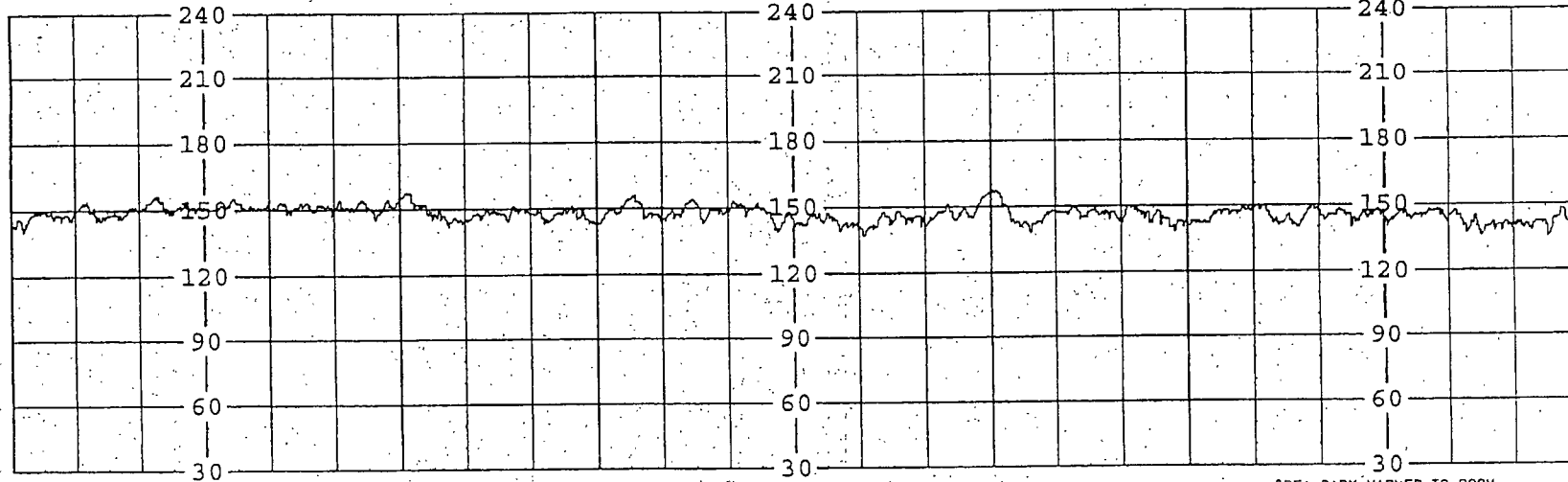
ECH 0306

Name: WASHINGTON, JAMESETTA
Patient ID: 119-95-95
Printed by: Fello, Rona, RN

Printed at: 04/24/2007 14: 55

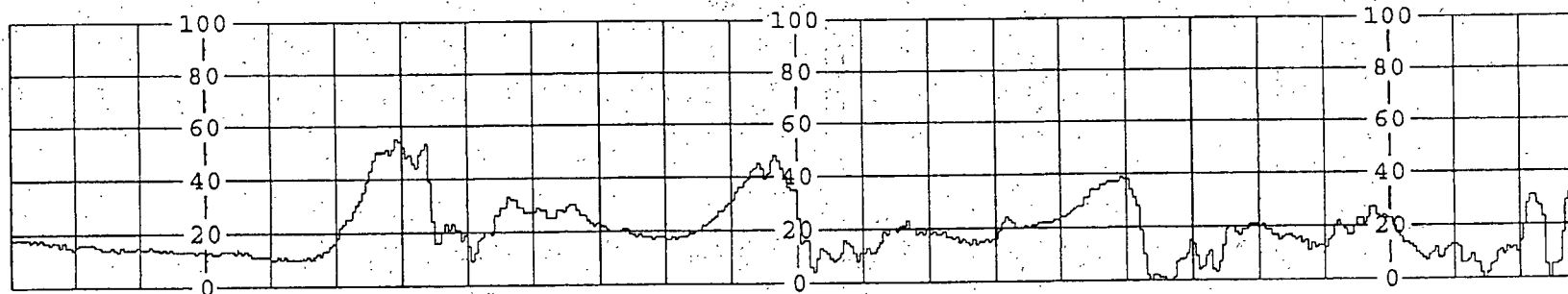
Page: 190

18: 59 07/16/2002 19: 03 19: 07



3cm/min, ext TOCO in/FECD in

DEA BABY WARKER TO ROOM



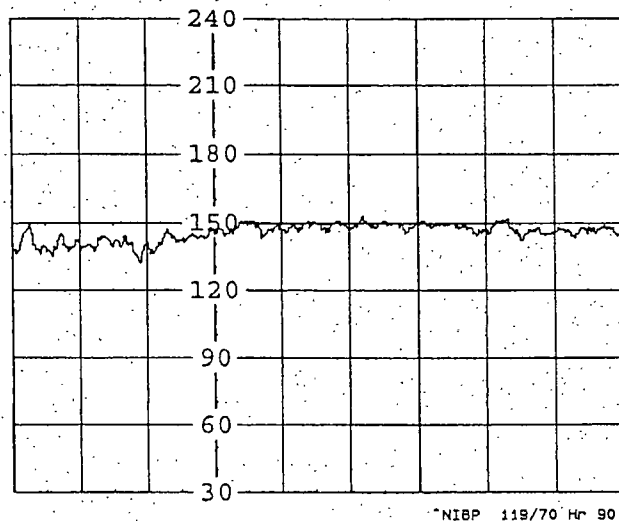
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Patient ID: 119-95-95
Printed by: Fello, Rona, RN

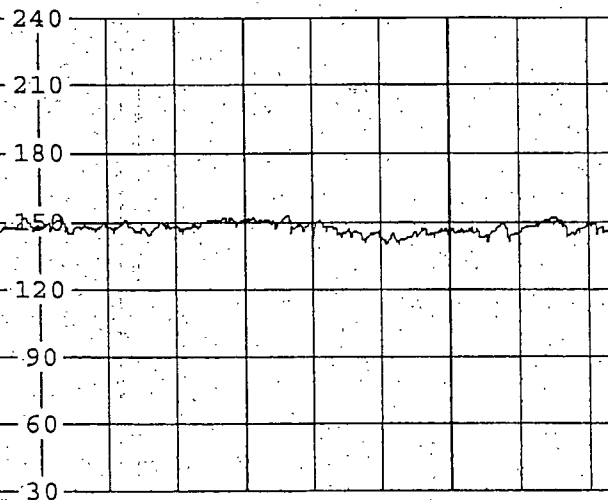
Printed at: 04/24/2007 14:55

Page: 191

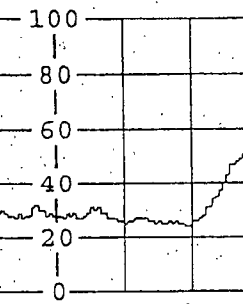
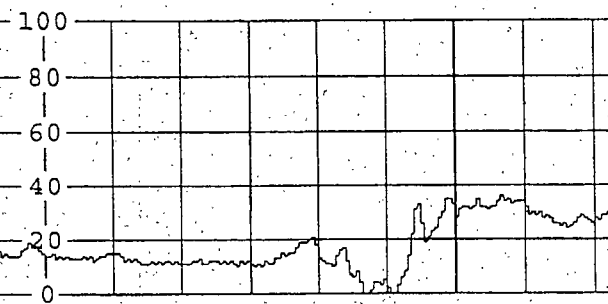
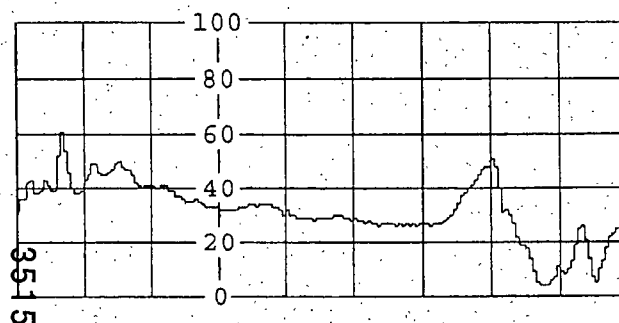
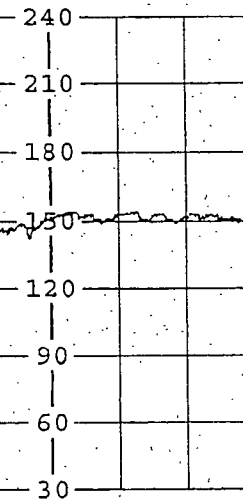
19:07 07/16/2002



19:11



19:15



Name: WASHINGTON, JAMESETTA
Patient ID: 119-95-95
Printed by: Fello, Rona, RN

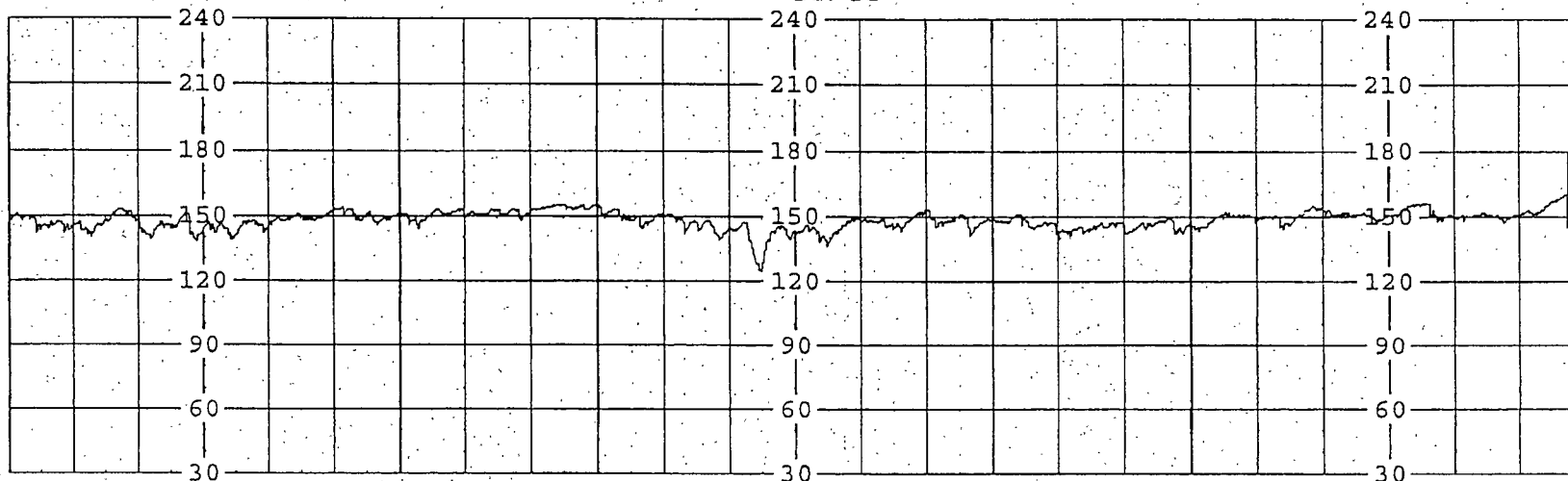
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Page: 192

19: 15 07/16/2002

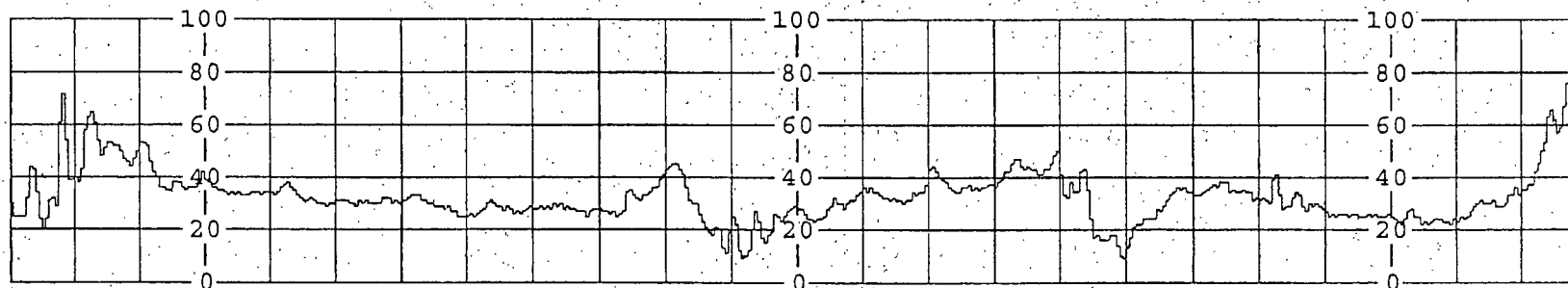
19: 19

19: 23



"DEA REPORT TO JUDY MERCER, RN," FOR
"DEA CONTINUED PT CARE"

*3cm/min, ext TOCO in/FECG in



ECH 0309

Name: WASHINGTON, JAMESETTA
Patient ID: 119-95-95
Printed by: Fello, Rona, RN

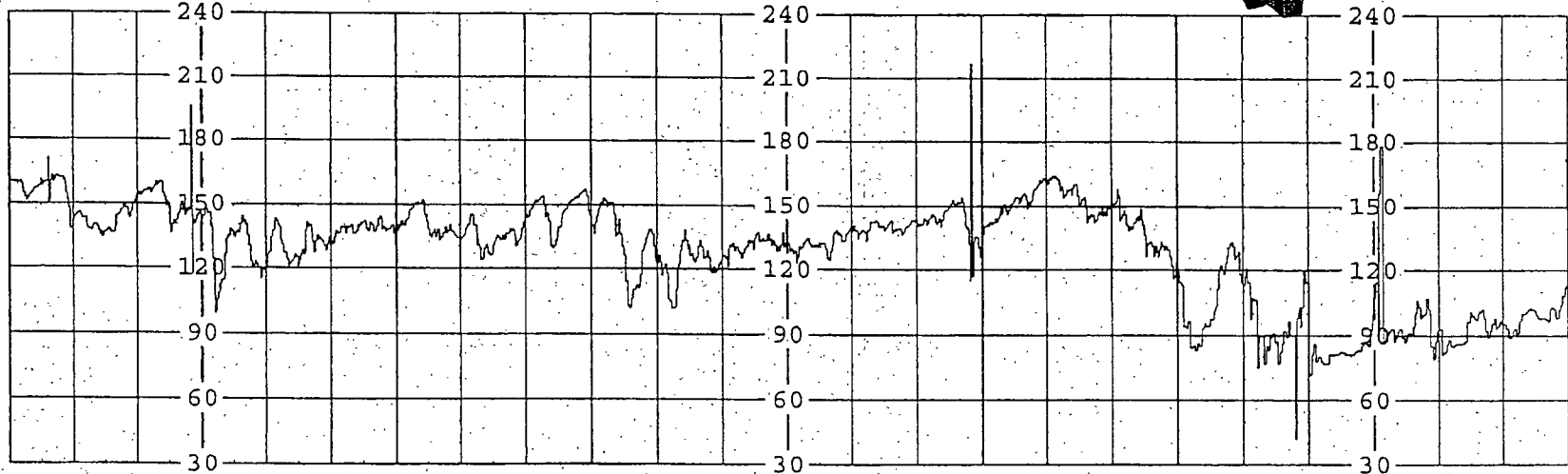
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Page: 193

19:23 07/16/2002

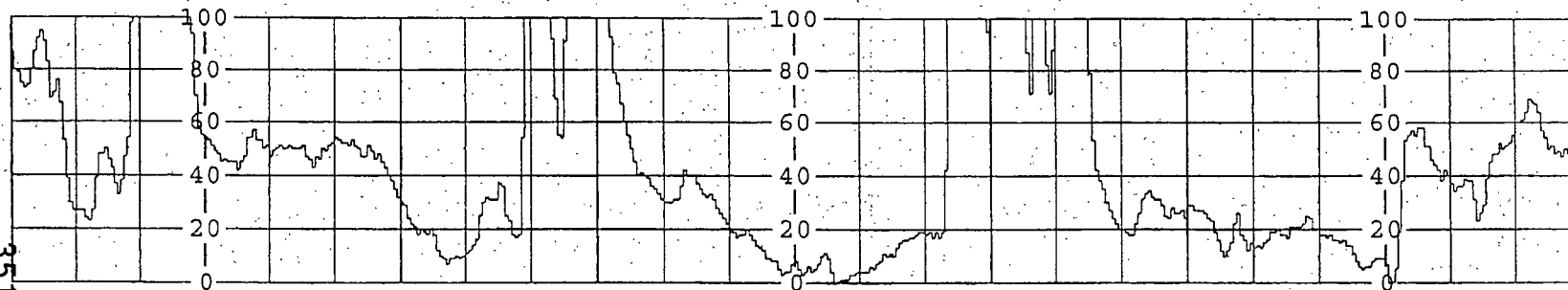
19:27

19:31



*JCH 07/16/2002 20 37-VE FER COMPLETE
*NIBP 133/105, Hr 96

*3cm/min ext TOCO in/F



EXH 2 310

3517

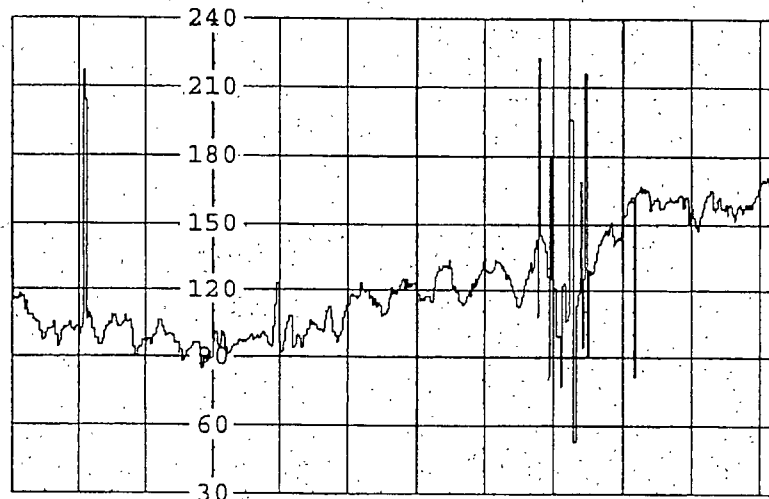
ECH 0310

Name: WASHINGTON, JAMESETTA
Patient ID: 119-95-95
Printed by: Fello, Rona, RN

Printed at: 04/24/2007 14:55

Page: 194

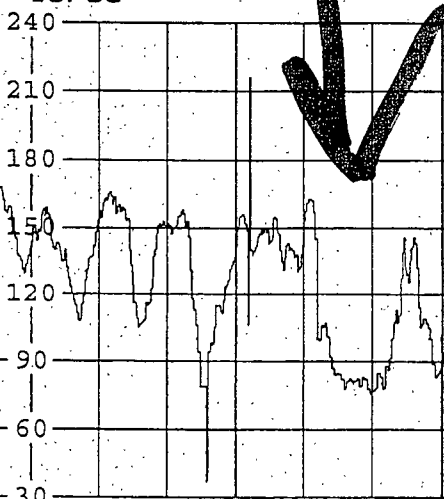
19:31 07/16/2002



ECG 1n

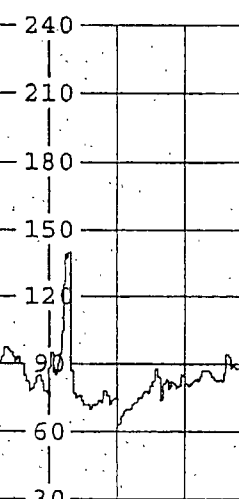
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*JCM DR RETT HERE - VE - PUSHING - PITOCIN
*JCM OFF

19:35

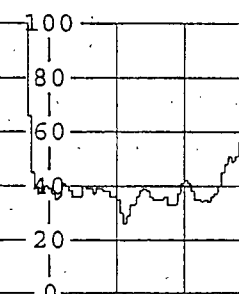
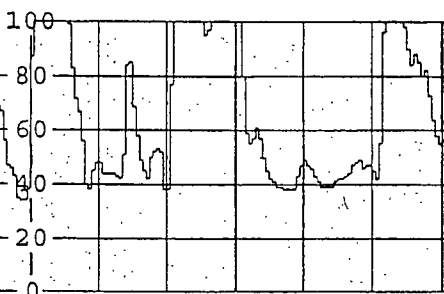
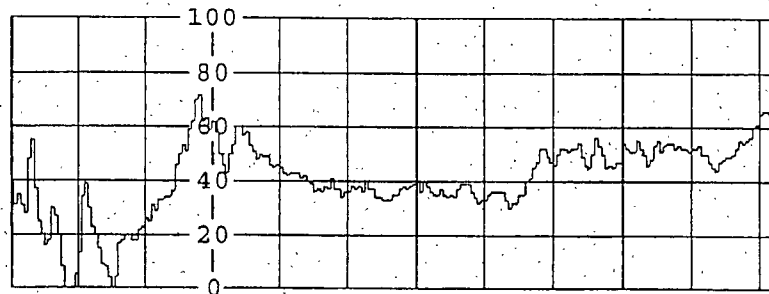


*JCM POSITIONED FOR DEL - PUSHING -
*JCM VAC PLACED PER DR RETT

19:39



*JCM VAC ASSISTED DEL OF VIABLE MALE INFANT



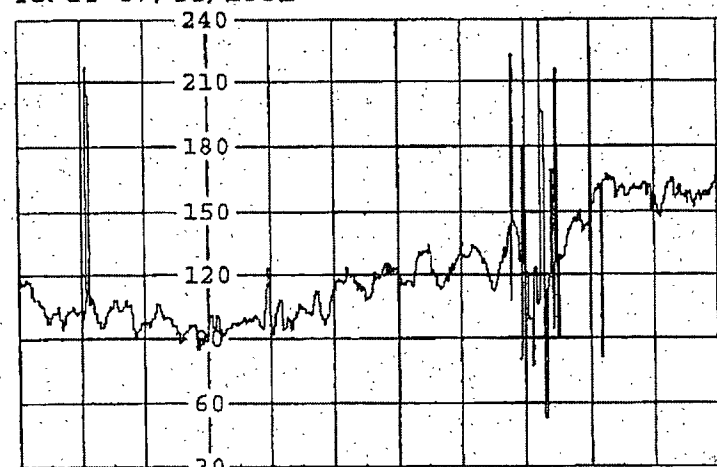
ECH 0310

Name: WASHINGTON, JAMESETTA
Patient ID: 119-95-95
Printed by: Fello, Rona, RN

Printed at: 04/24/2007 14:55

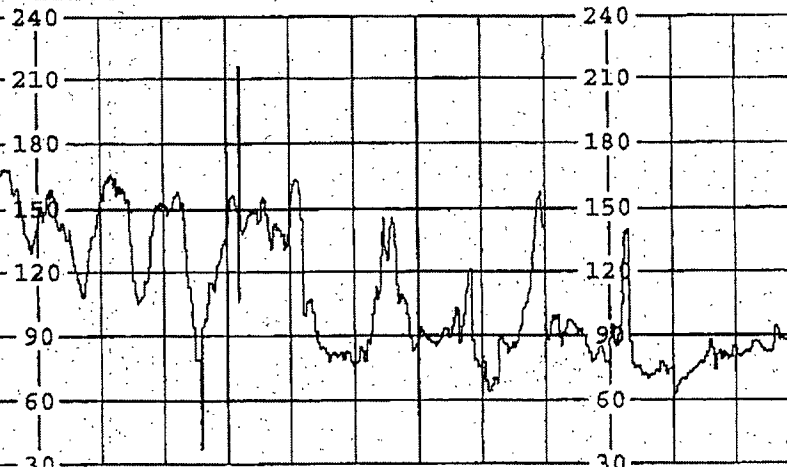
Page: 194

19:31 07/16/2002



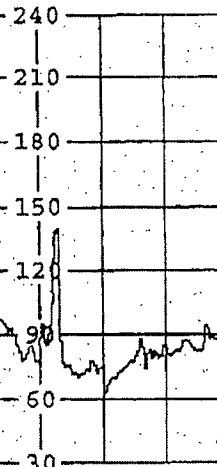
ECG in
JCH C/O NEEDING TO PUSH - COMPLETE
JCH DR RETT HERE - VE - PUSHING - PITOCIN
JCH OFF

19:35

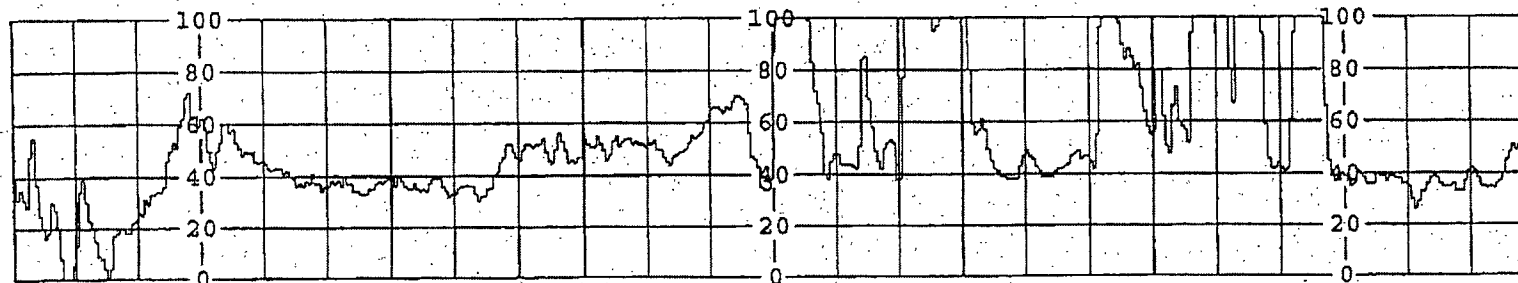


JCH POSITIONED FOR DEL - PUSHING -
JCH VAC PLACED PER DR RETT

19:39



JCH VAC ASSISTED DEL OF VIABLE MALE INFANT



EXH 2_311

3519

ECH 0311

Name: WASHINGTON, JAMESETTA
Patient ID: 119-95-95
Printed by: Fello, Rona, RN

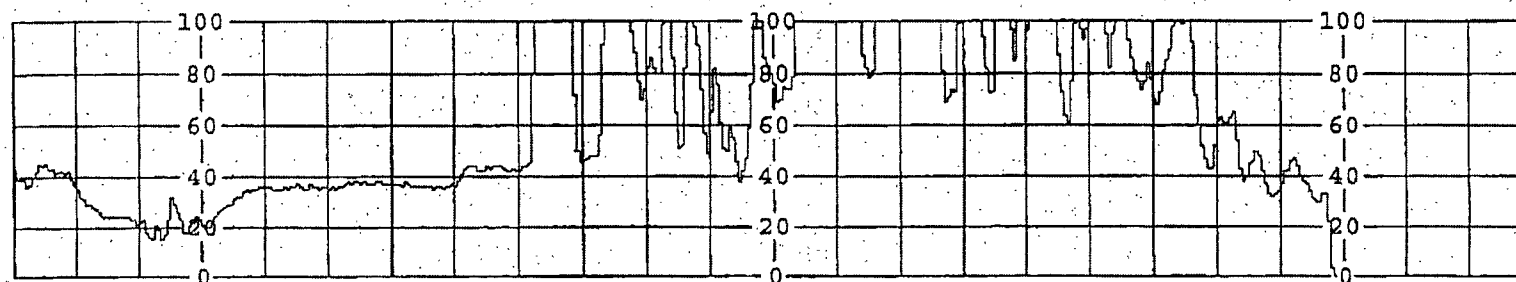
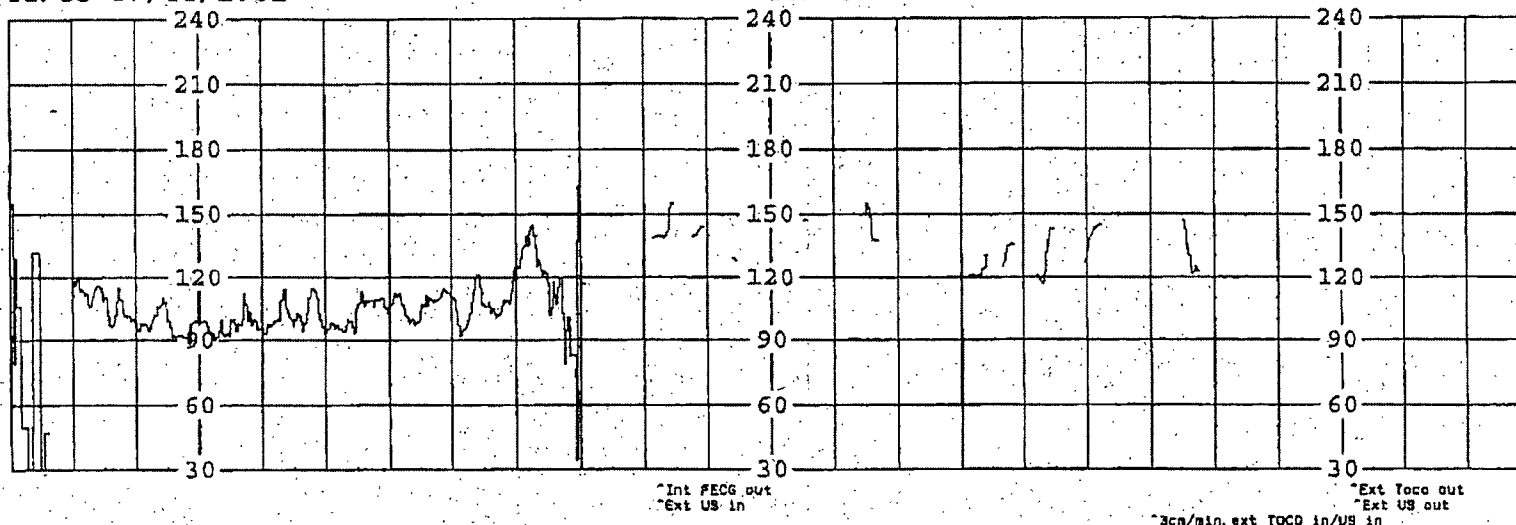
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Page: 195

19: 39 07/16/2002

19: 43

19: 47



EXH 2_312

ECH 0312

Name: WASHINGTON, JAMESETTA
Patient ID: 119-95-95
Printed by: Fello, Rona, RN

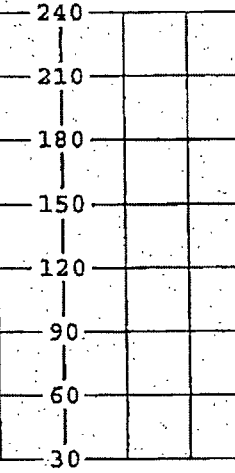
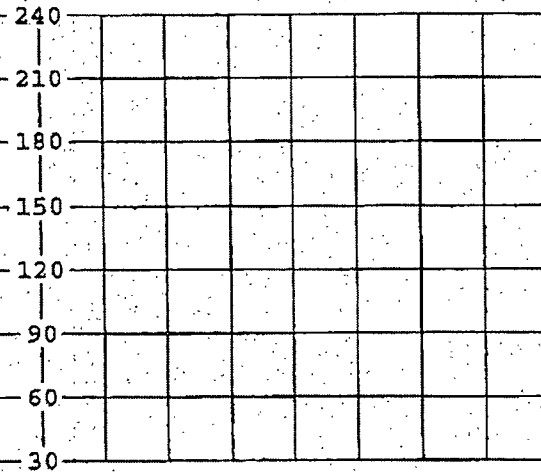
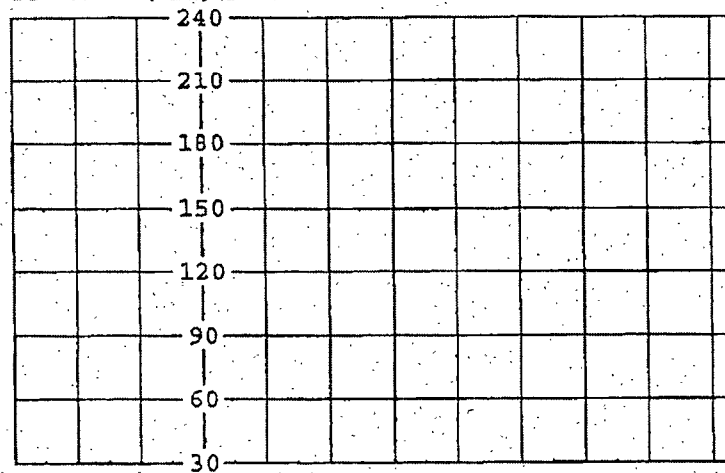
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Page: 196

19: 47 07/16/2002

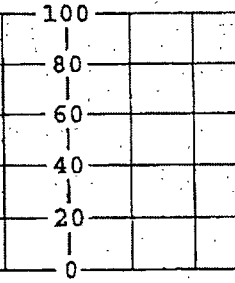
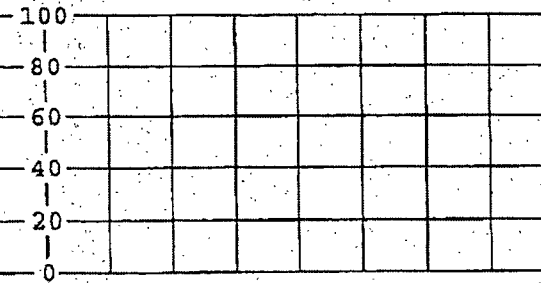
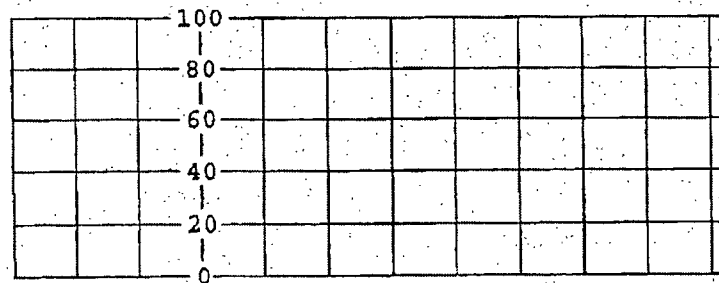
19: 51

19: 55



*JCH EPIDURAL TURNED OFF - SPONT DEL OF
*JCH PLACENTA

*JCH PITOCIN RAPIDLY I
*JCH PLACENTA - REPAIR
*JCH VIA OR RETT WITH
*NIBP



EXH 2.313

3521

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

Jamesetta Washington, as Guardian ad
Litem for Jayden W. a minor,)

Plaintiffs,)

vs.)

Edmund Rhett, Jr., M.D., Low Country
Obstetrics & Gynecology, P.A., Tenet
South Carolina, Inc., d/b/a East Cooper
Regional Medical Center,)

Defendants.)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NUMBER: 2007-CP-10-1553

PLAINTIFF'S DEPOSITION
DESIGNATIONS

The Plaintiff would offer the following deposition designations from the deposition of
Edmund Rhett, Jr., M.D. dated July 21, 2008 to be played during the testimony of Gary Oakes,
M.D. on Wednesday, July 28, 2010 and Thursday, July 29, 2010:

1) Page 58, Line 12 -

Line 23

Page 56, Line 1 -

Line 8

Page 61, Line 7 -

Line 12

Page 62, Line 4 -

Page 63, Line 1

Page 12, Line 13 -

Line 17

Page 33, Line 21 -

Line 23

Page 142, Line 15 -

Page 143, Line 12

Page 13, Line 15 -

Line 23

Page 14, Line 9 -

Page 15, Line 17

10) Page 21, Line 25 -

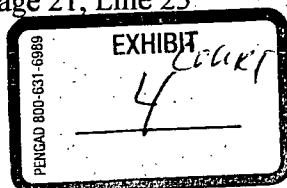
Page 22, Line 4

} INDICATION

} CONSENT
WARNING

} ENGAGEMENT

ZERO STATION
STATION
+ 2 STATION



11) Page 143, Line 19

Page 35, Line 5

Page 60, Line 21

Page 22, Line 11

Page 22, Line 15

Page 24, Line 13

Page 28, Line 13

Page 31, Line 5

Page 52, Line 22

20) Page 128, Line 17

Page 46, Line 10

Page 18, Line 21

Page 123, Line 15

Page 37, Line 21

Page 64, Line 13

Page 68, Line 16

Page 104, Line 18

Page 105, Line 12

Page 99, Line 5 "T"

30) Page 109, Line 14

Page 50, Line 8

Page 159, Line 6

Page 160, Line 13

Page 145, Line 4

Line 20

Line 24

Line 14

Page 23, Line 24

Page 25, Line 3

Line 21

Page 32, Line 1

Page 53, Line 2

Page 129, Line 15

Line 21

Page 19, Line 5

Page 124, Line 7

Page 38, Line 4

Page 67, Line 16

Line 22

Line 25

Page 106, Line 11

Line 18

Line 18

Page 51, Line 10

Line 23

Line 22

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} Bicipital
+ two occipitals
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} Type of
vacuum
+
Diagnosis

LABIA Apart
FSE off

} OB
Literature

36) Page 163, Line 17

Page 72, Line 21

Page 75, Line 23

Page 164, Line 8

Page 73, Line 9

Page 76, Line 7

13 Lit

} Documentation

Respectfully Submitted,

GRAHAM LAW FIRM, P.A.

By: _____

Edward L. Graham

Mary H. Watters

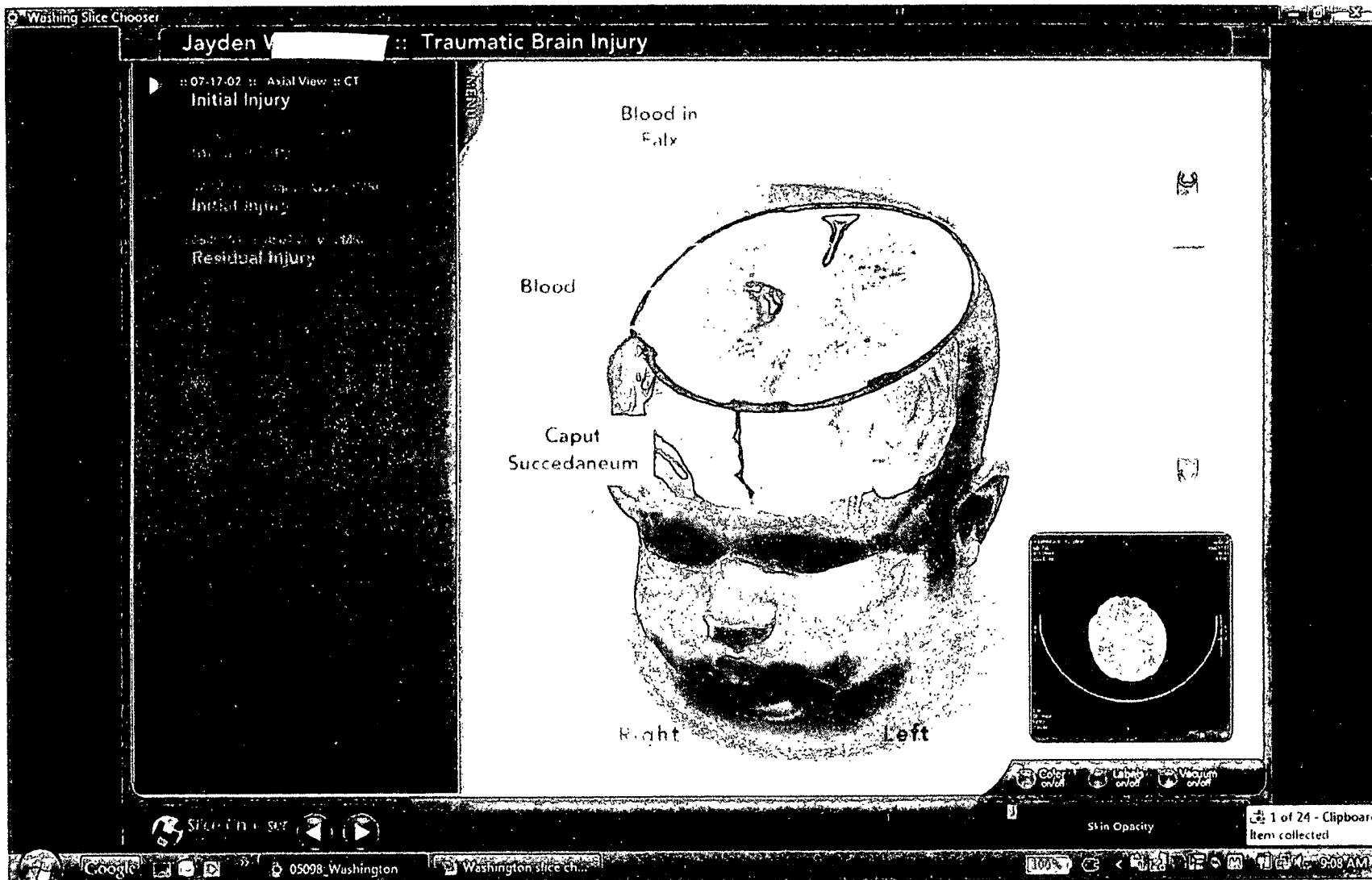
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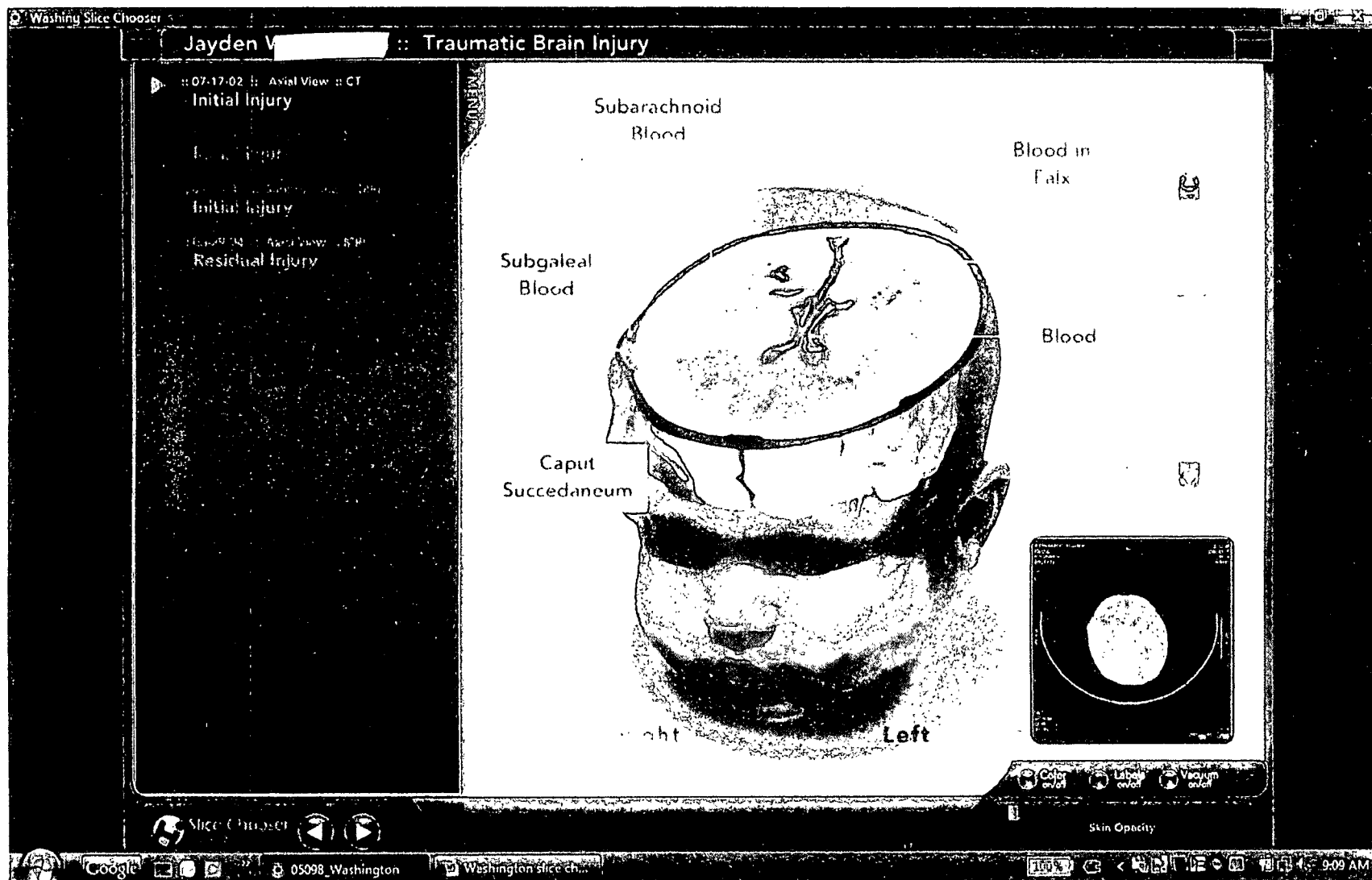
Florence, South Carolina 29503

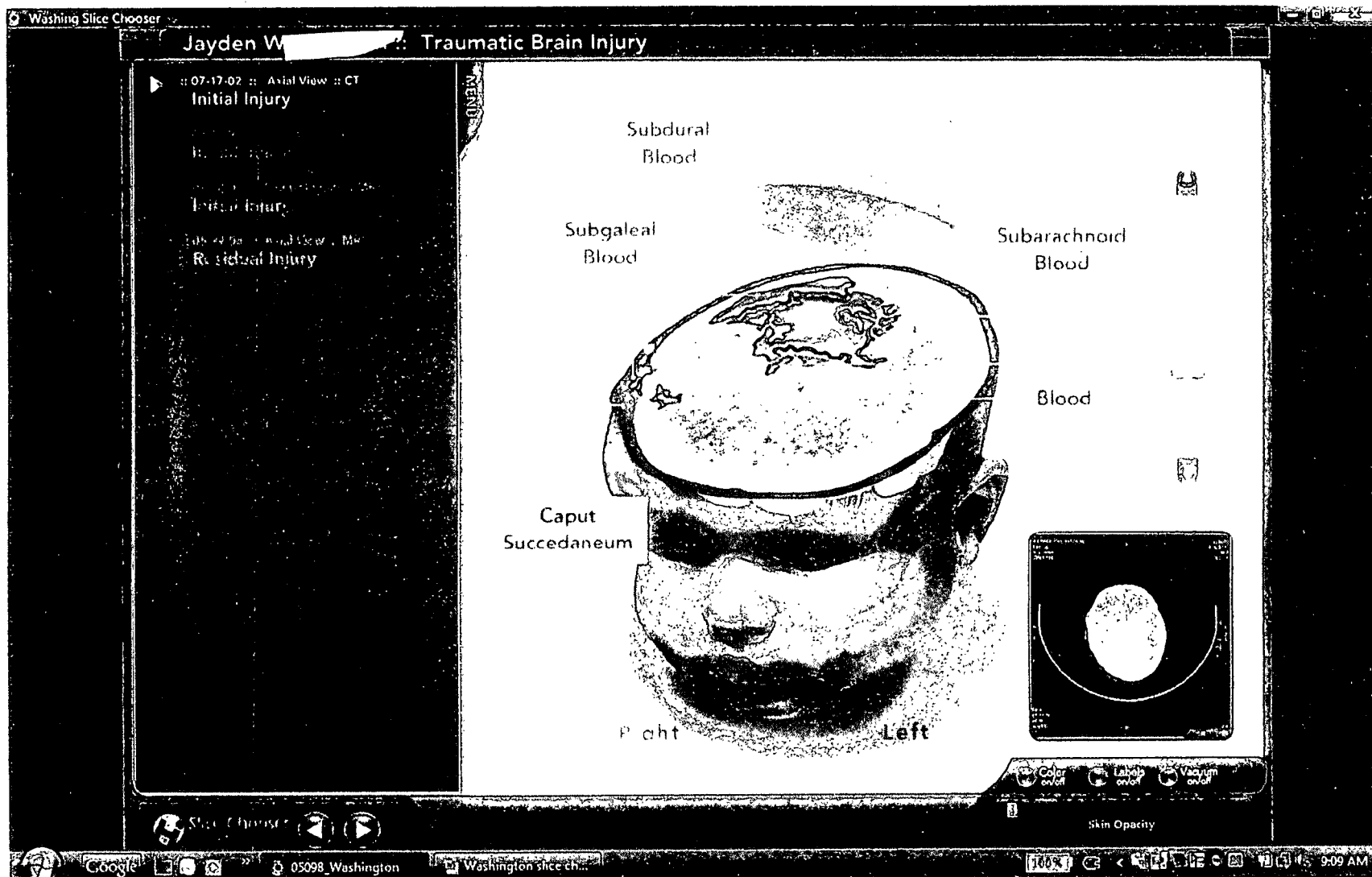
843-662-3281

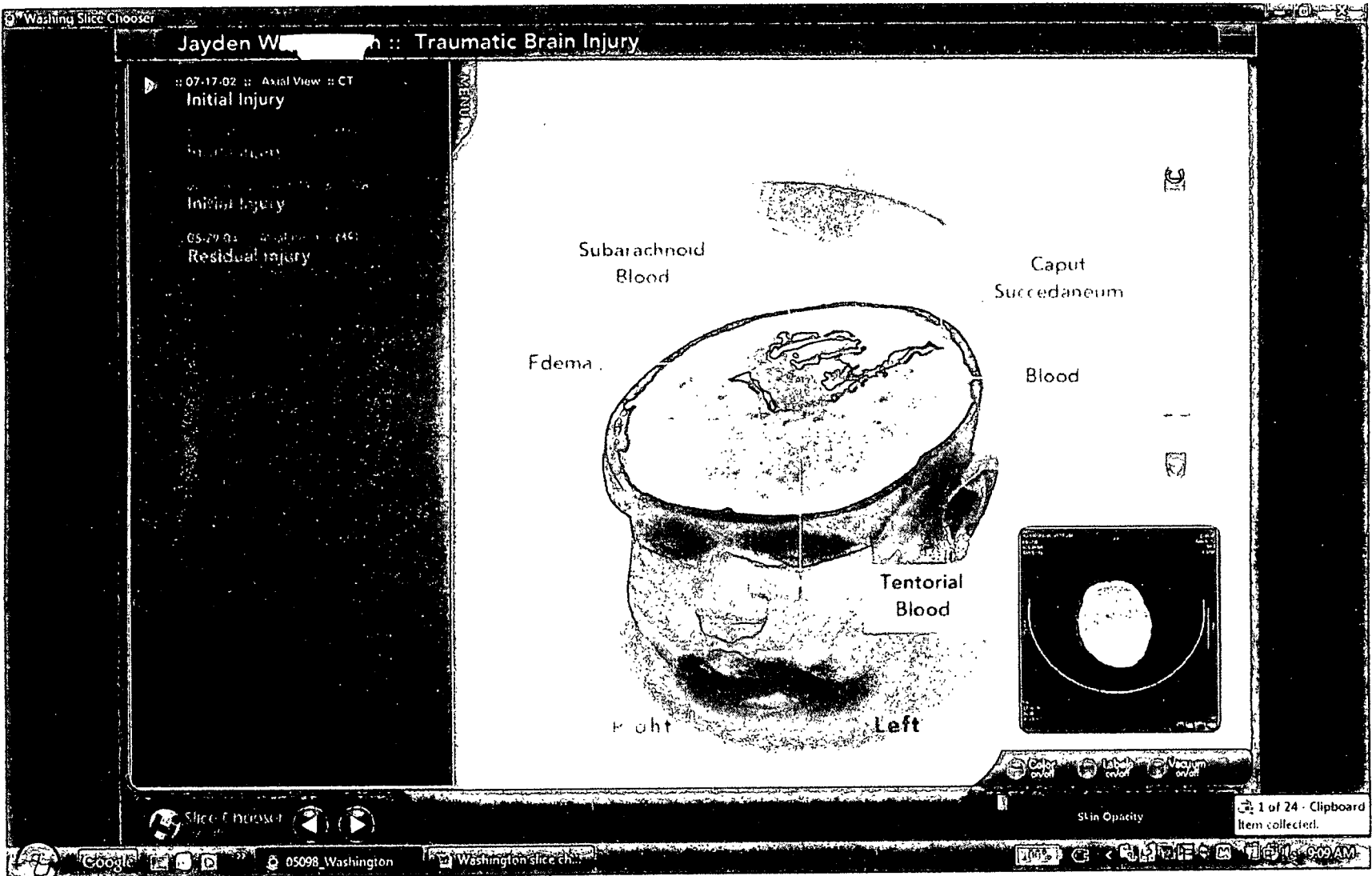
Attorneys for the Plaintiff

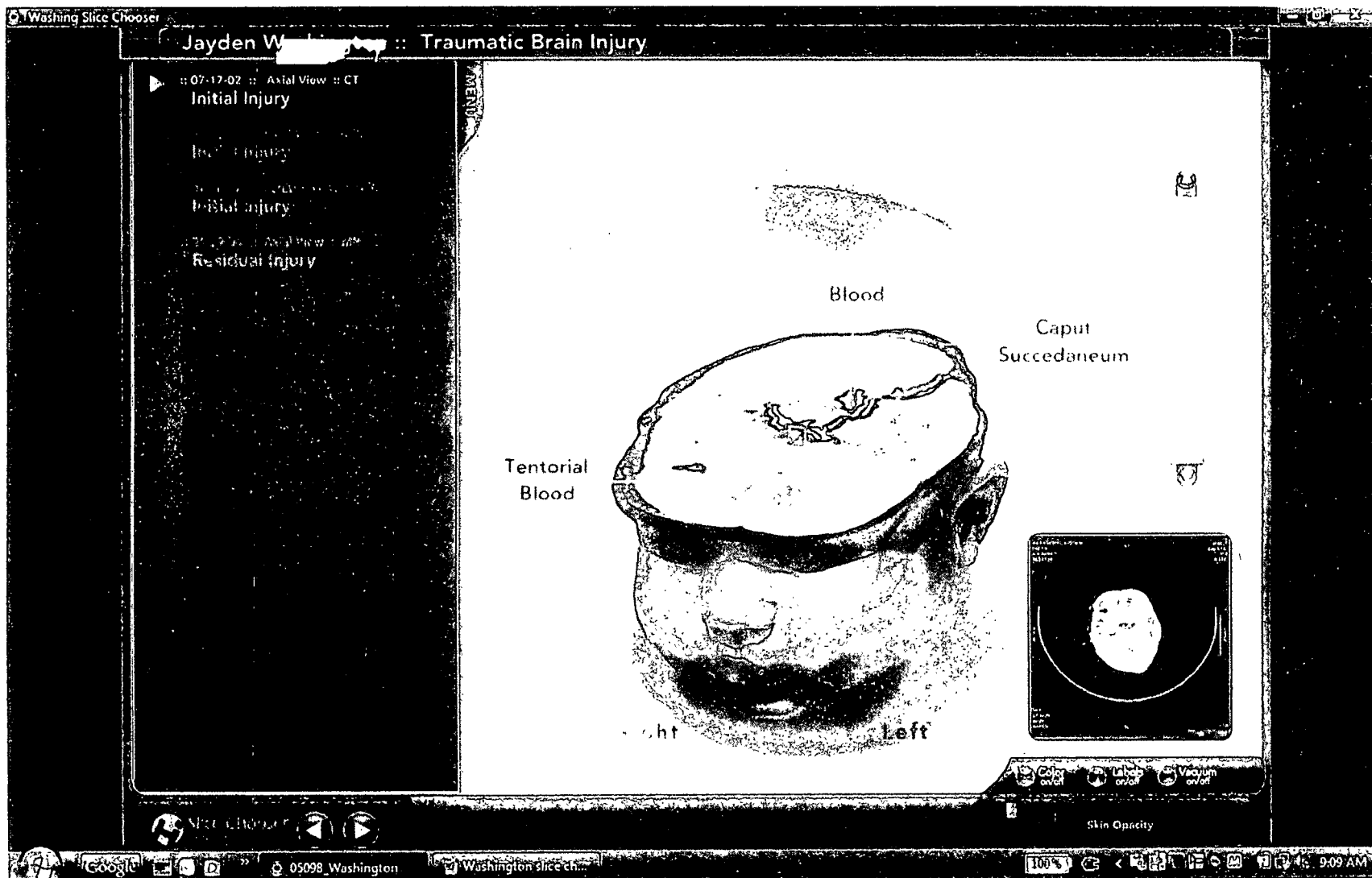
____ day of July, 2010

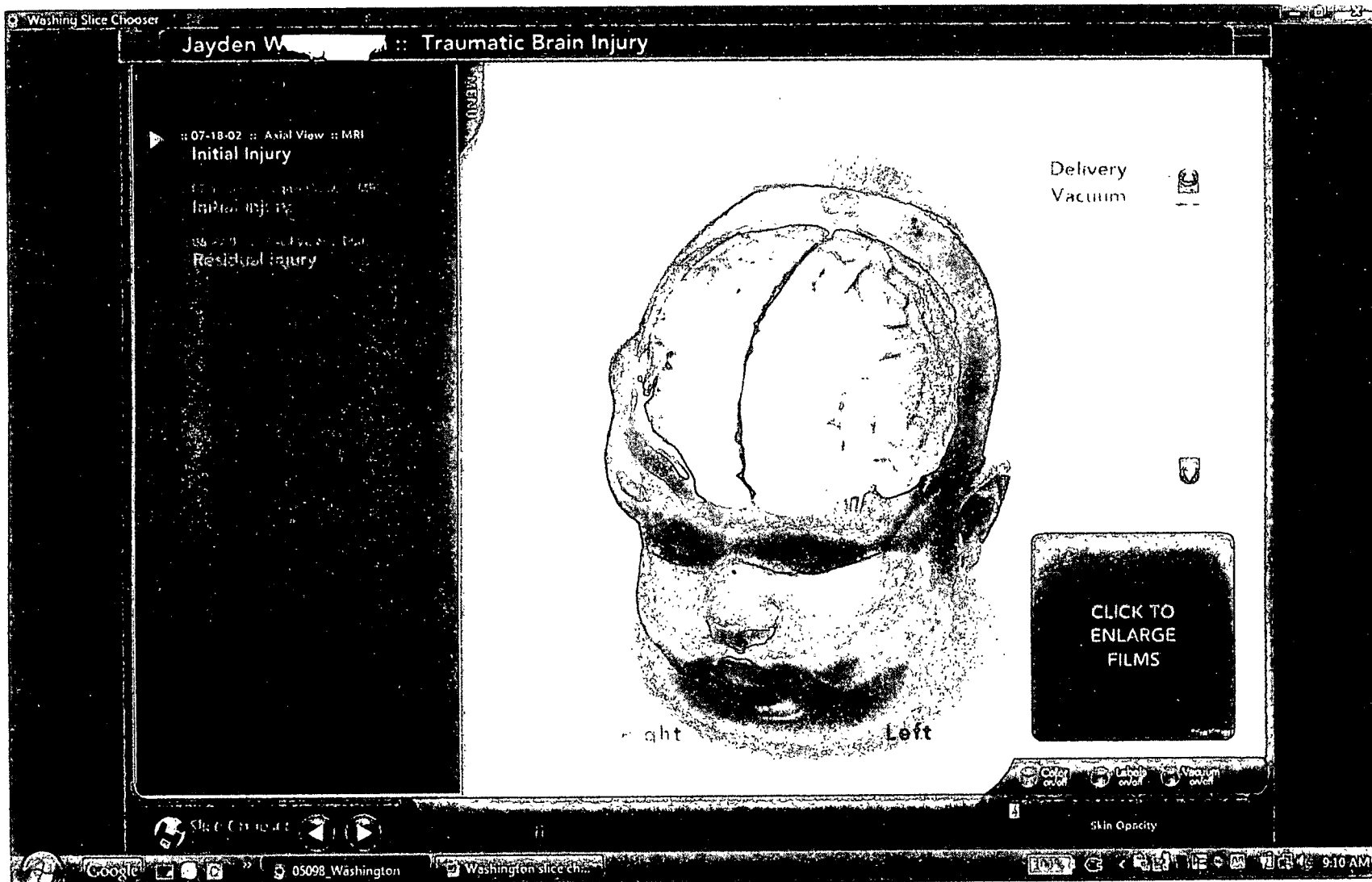


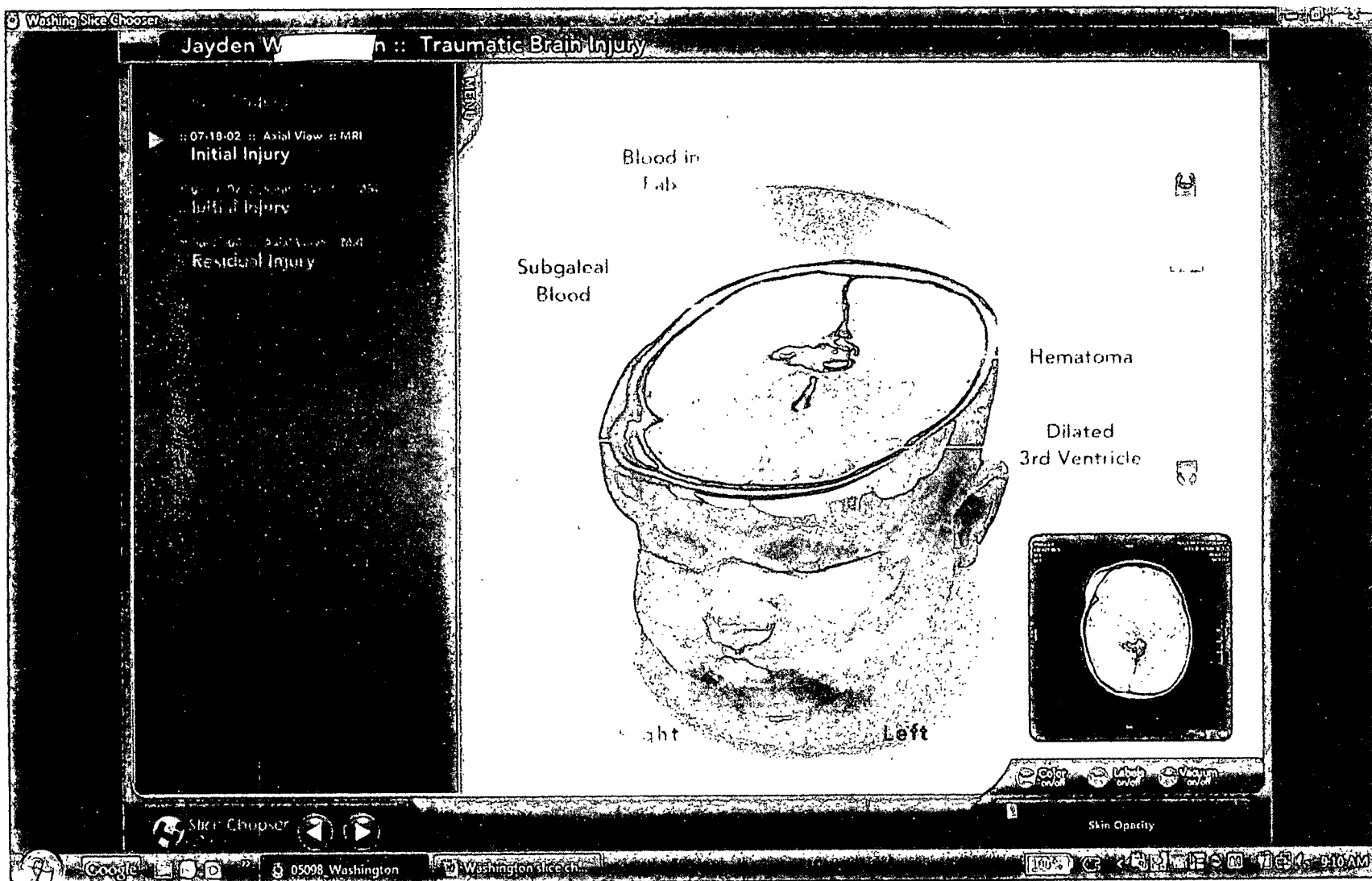


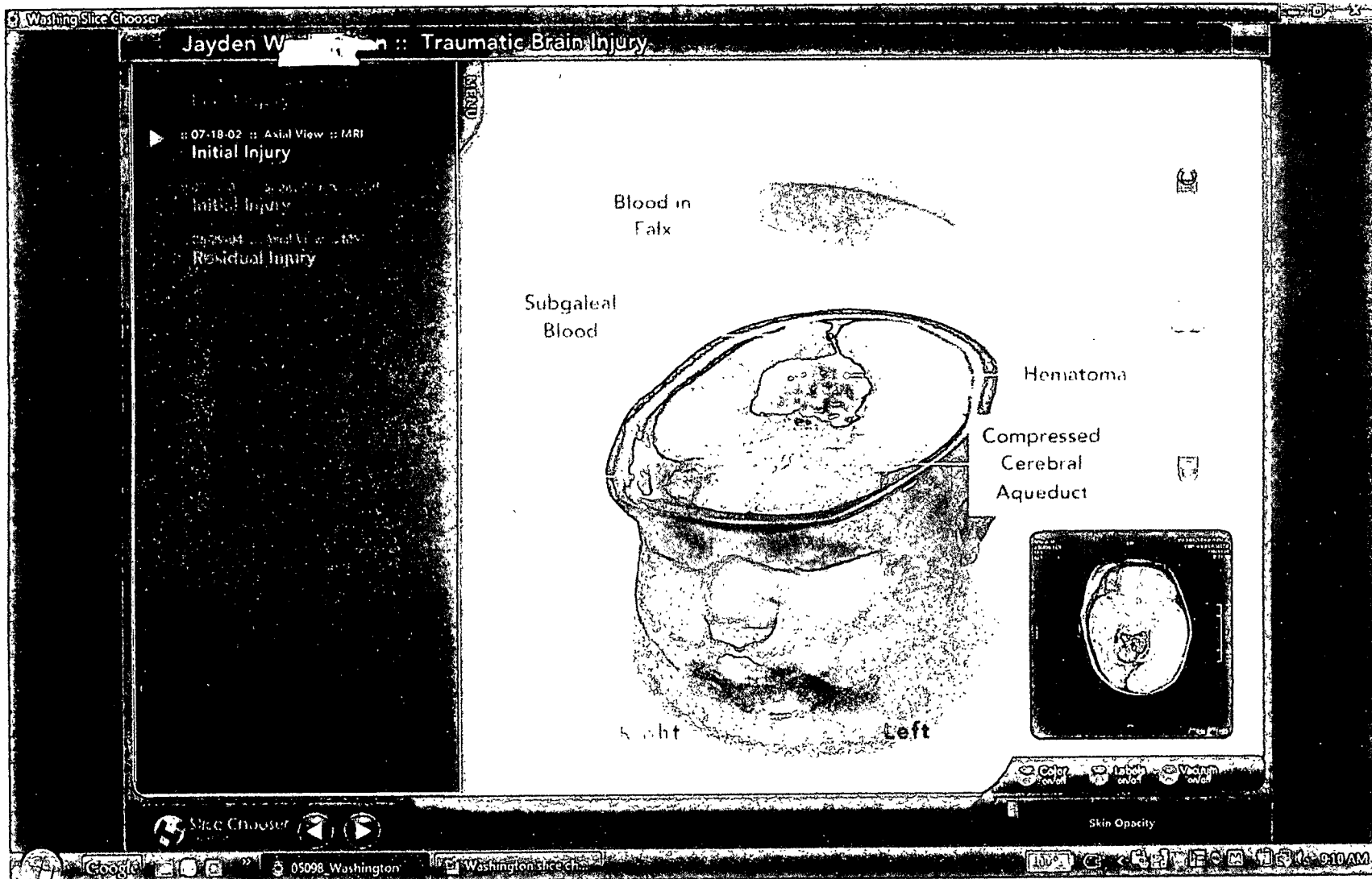


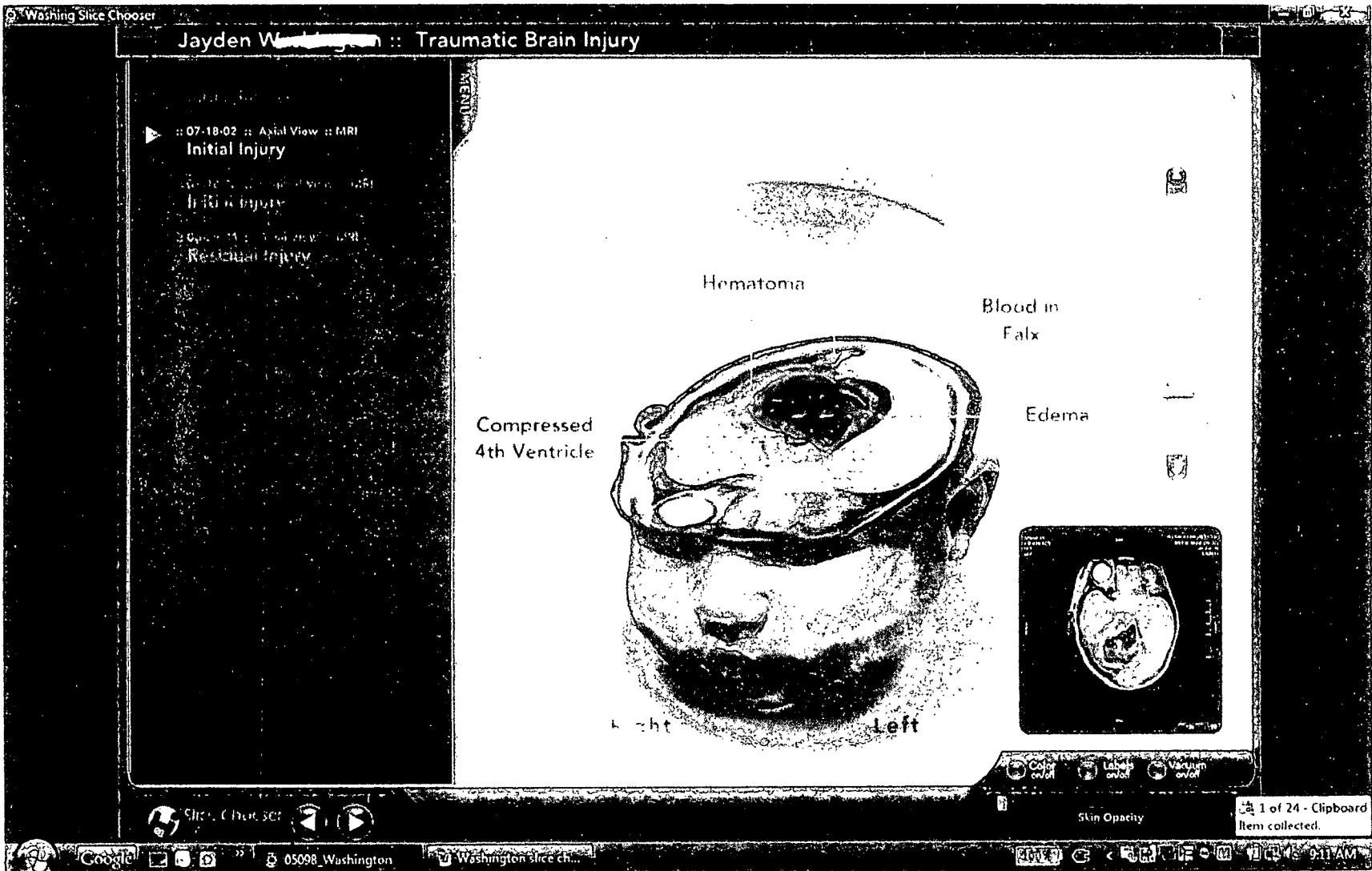










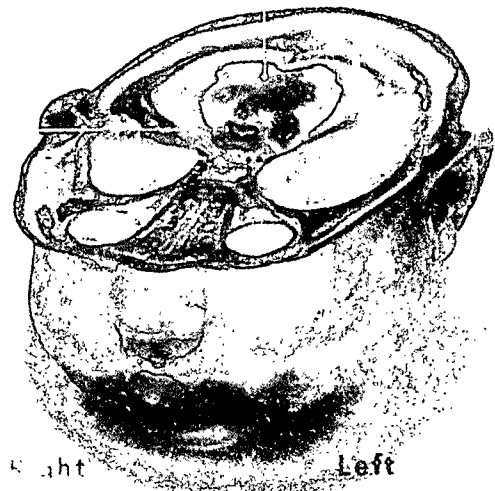


- 07-18-02 :: Axial View :: MRI
- Initial Injury
- 07-18-02 :: Axial View :: MRI
- Initial Injury
- 07-18-02 :: Axial View :: MRI
- Residual Injury

Hematoma

Compressed 4th Ventricle

Right Left



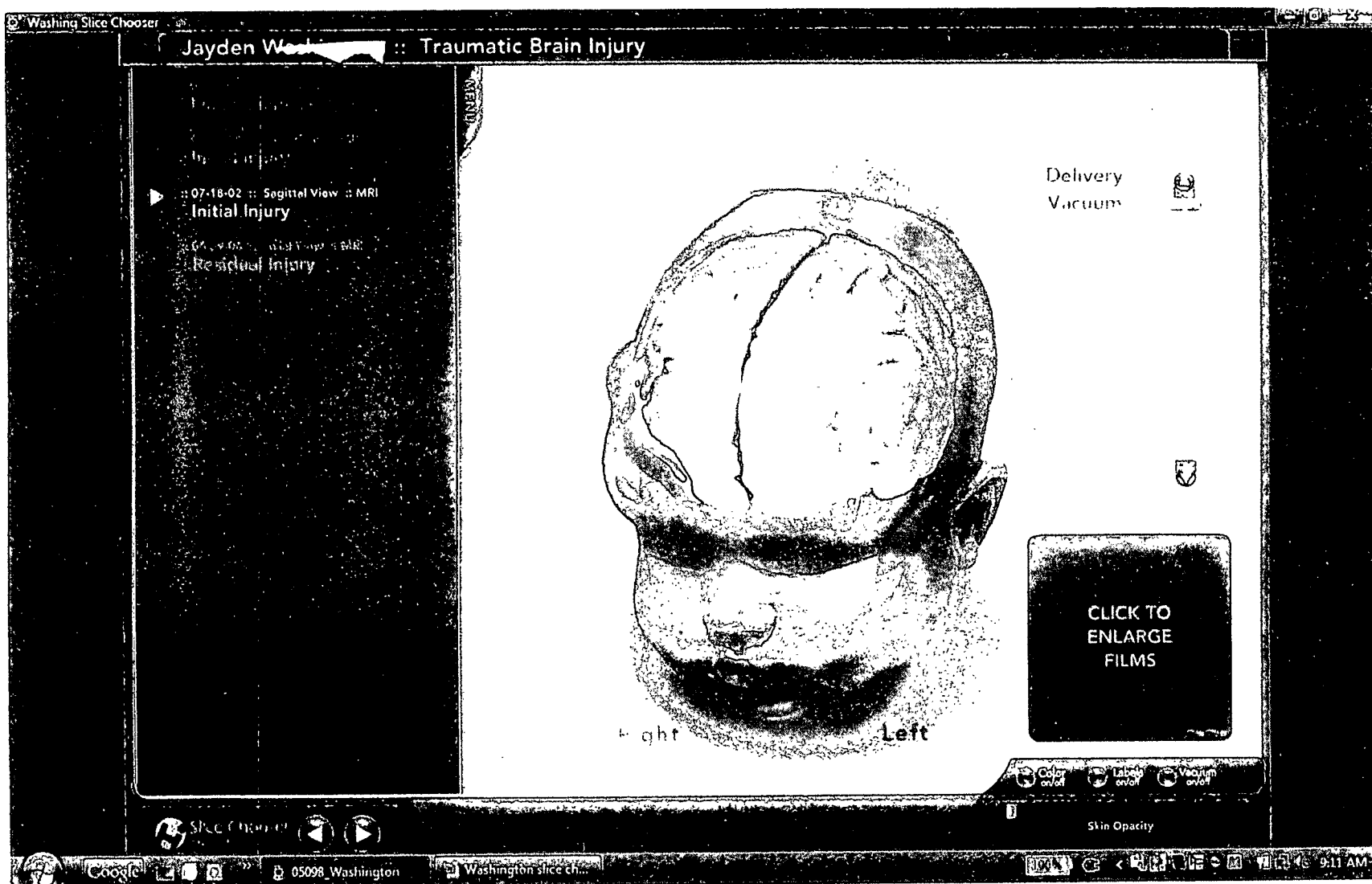
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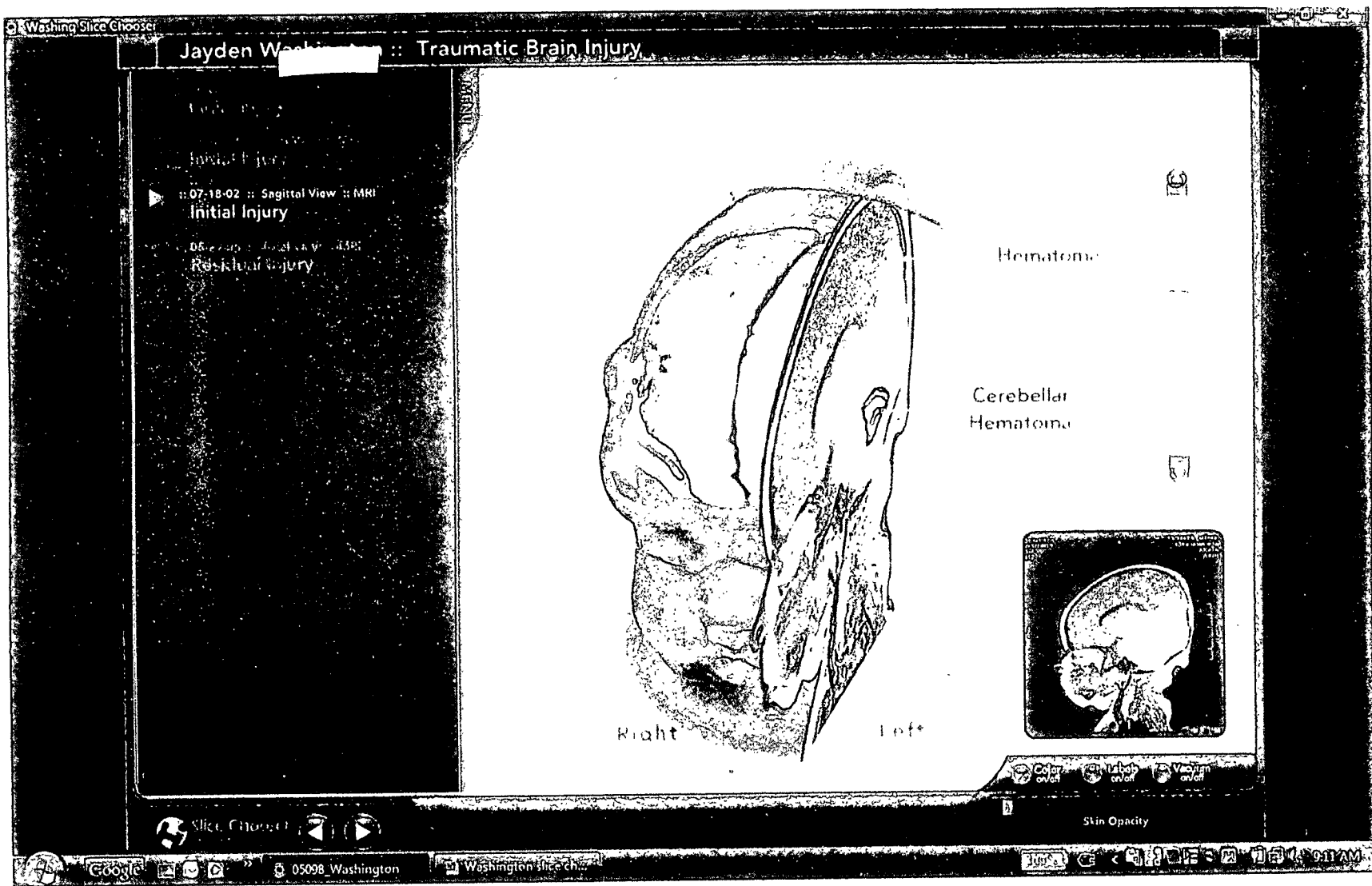
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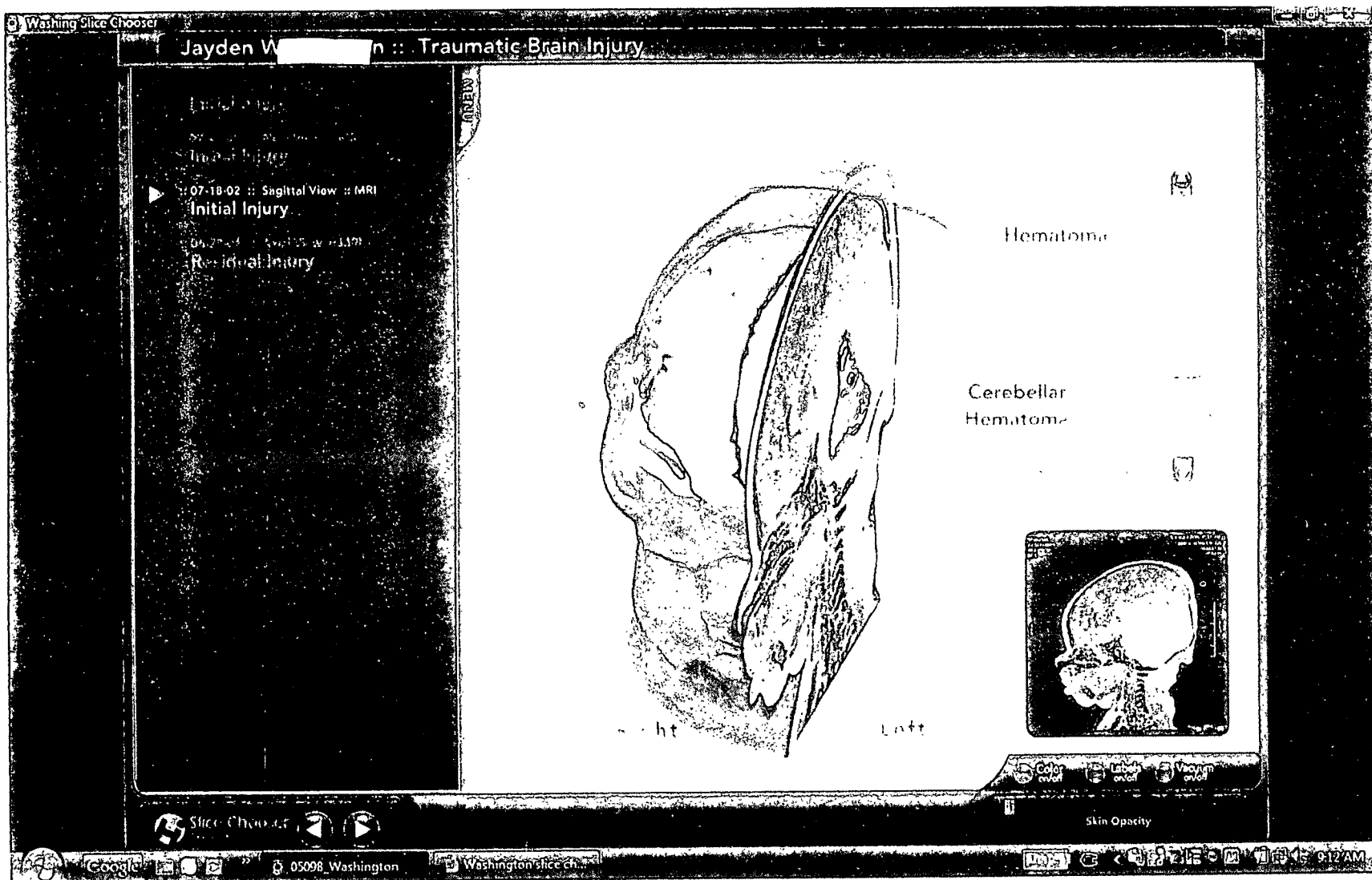
Label on/off

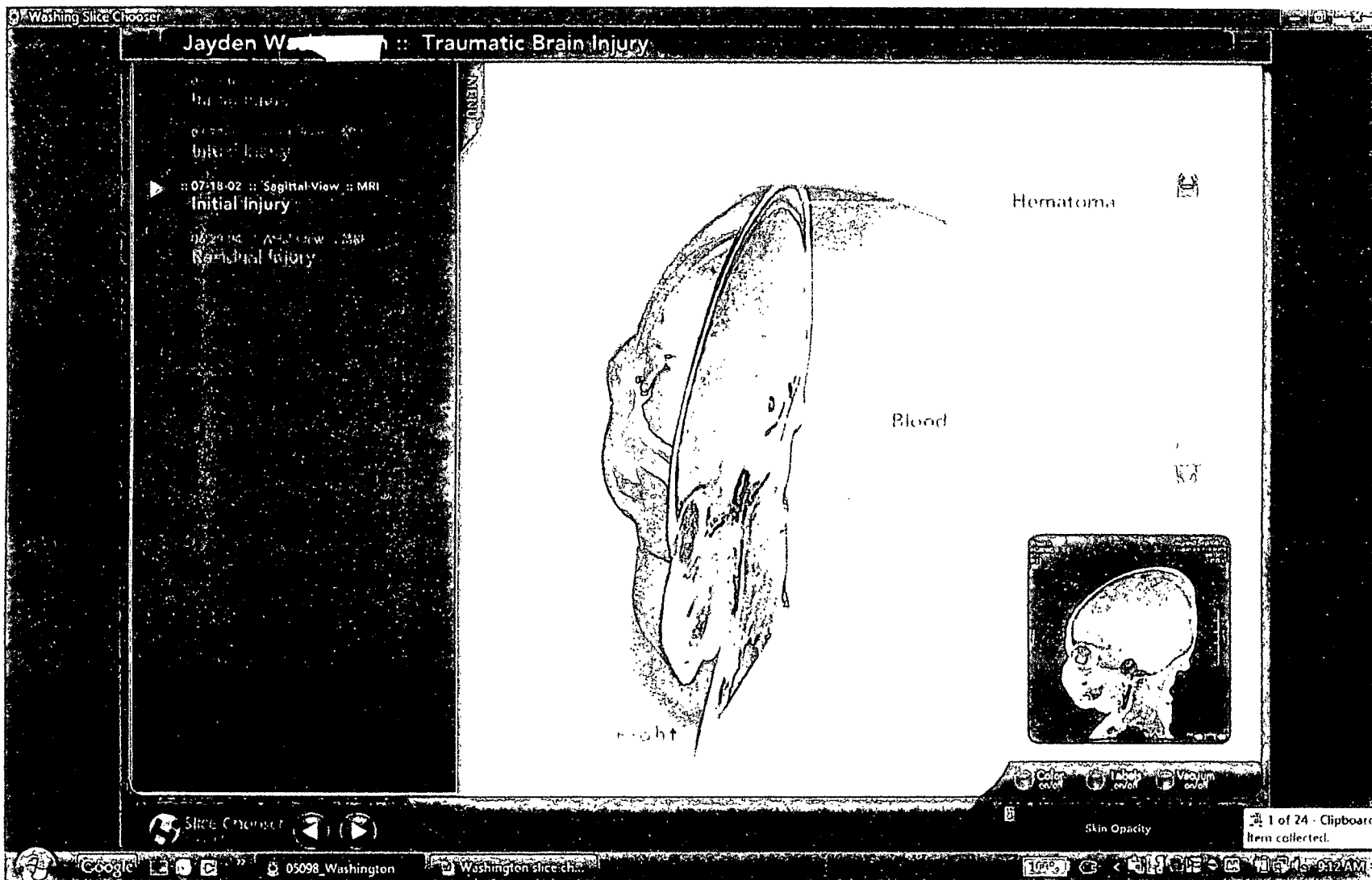
Vacuum on/off

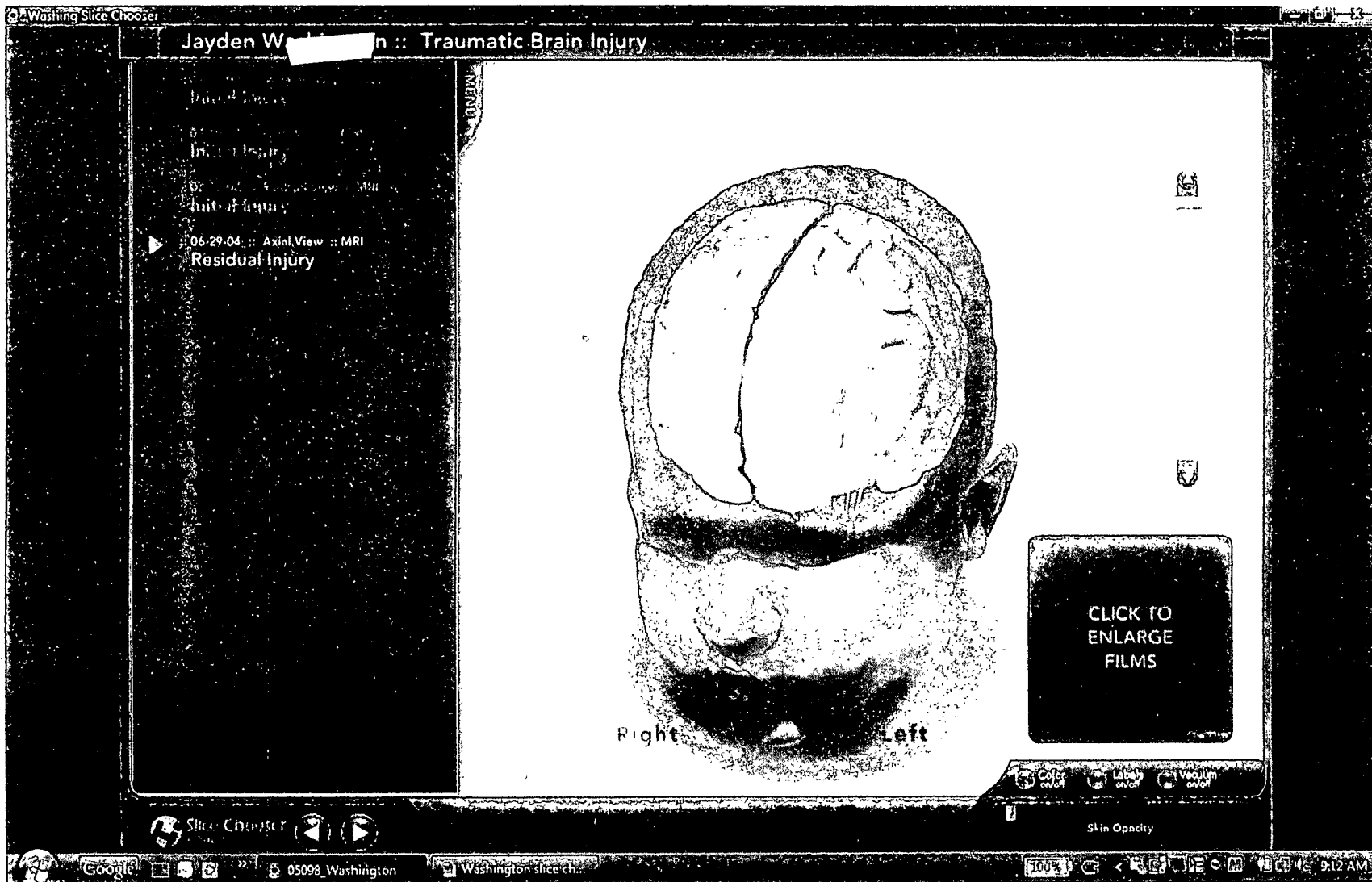
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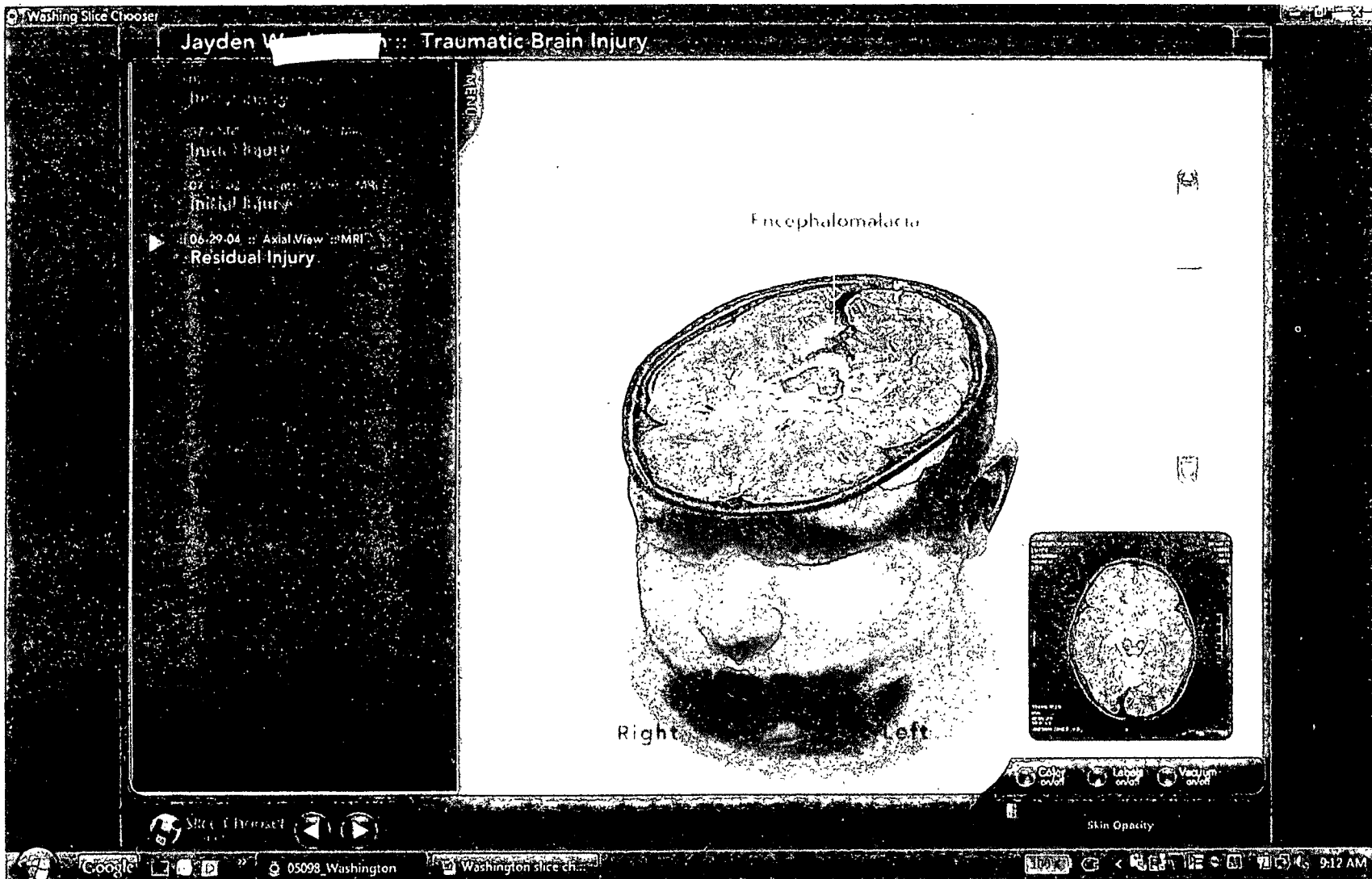


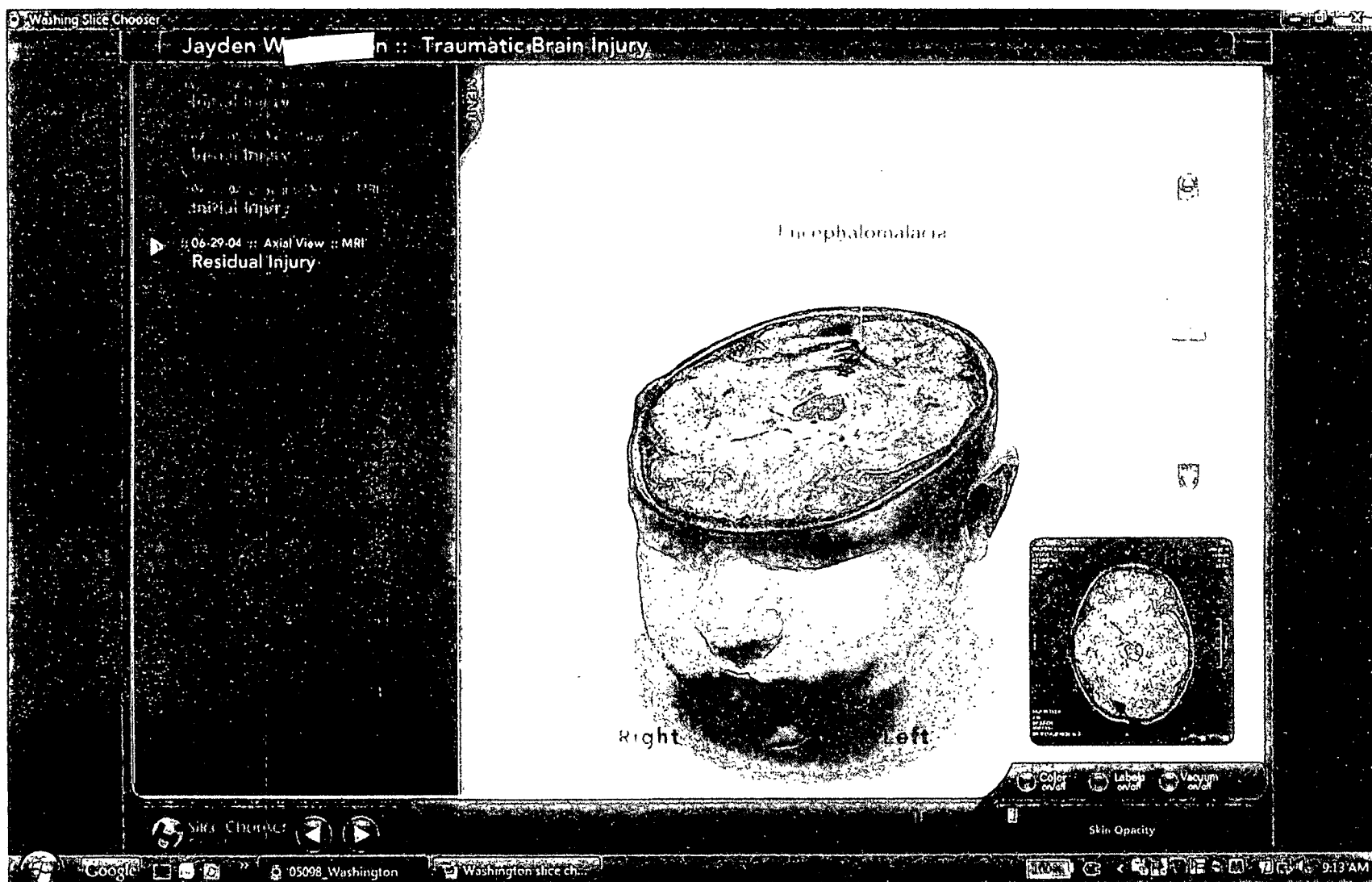


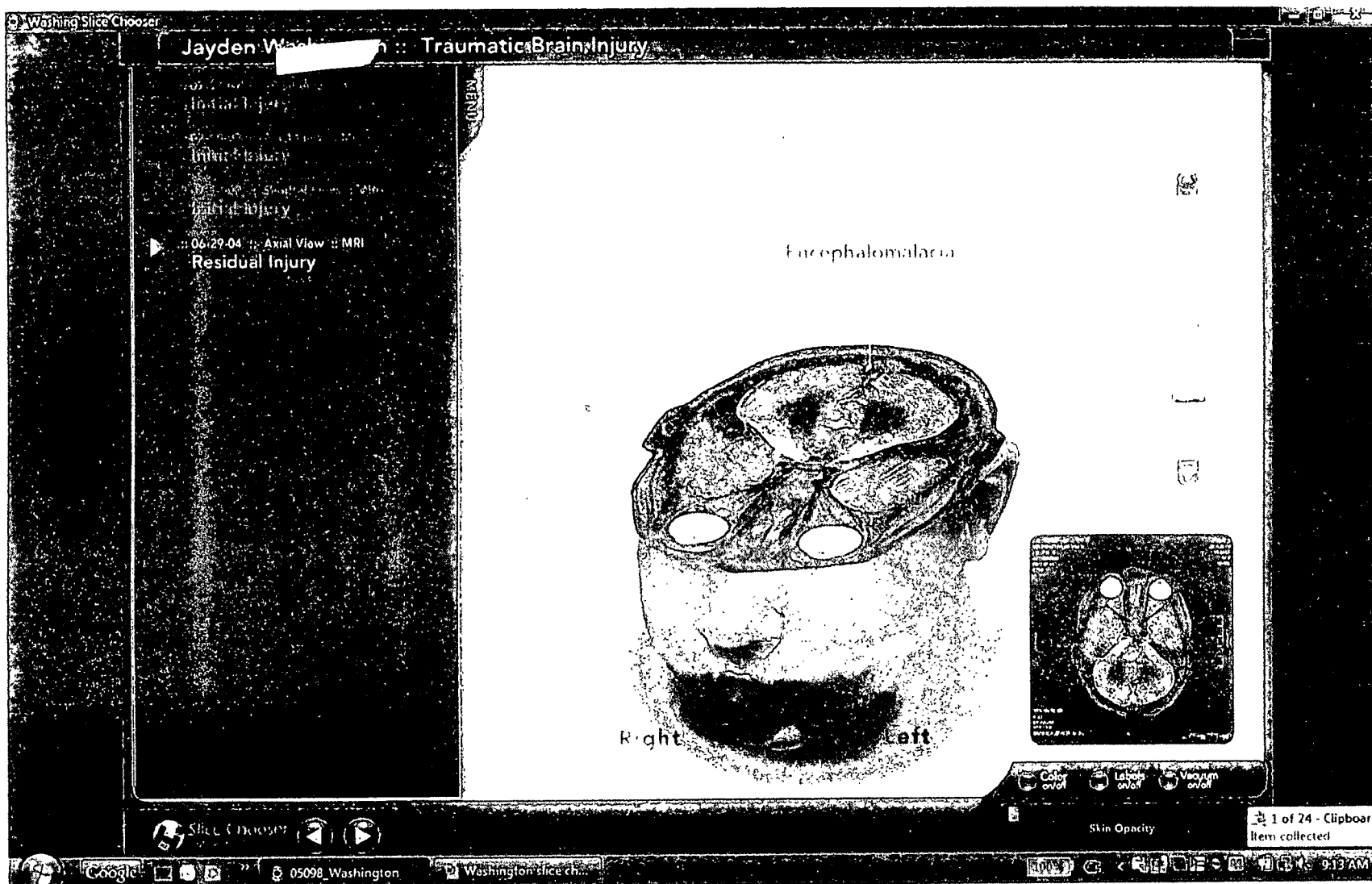




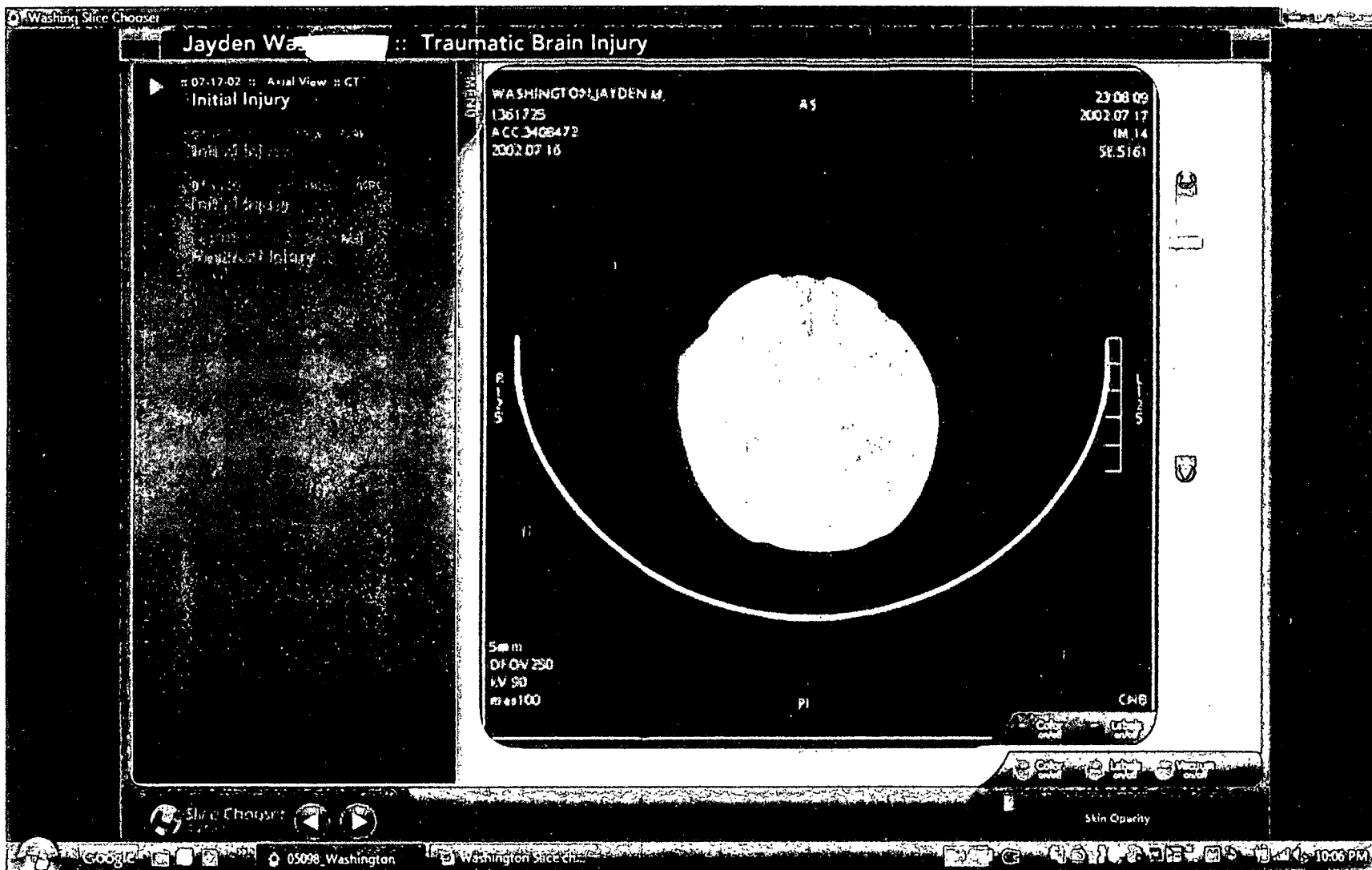


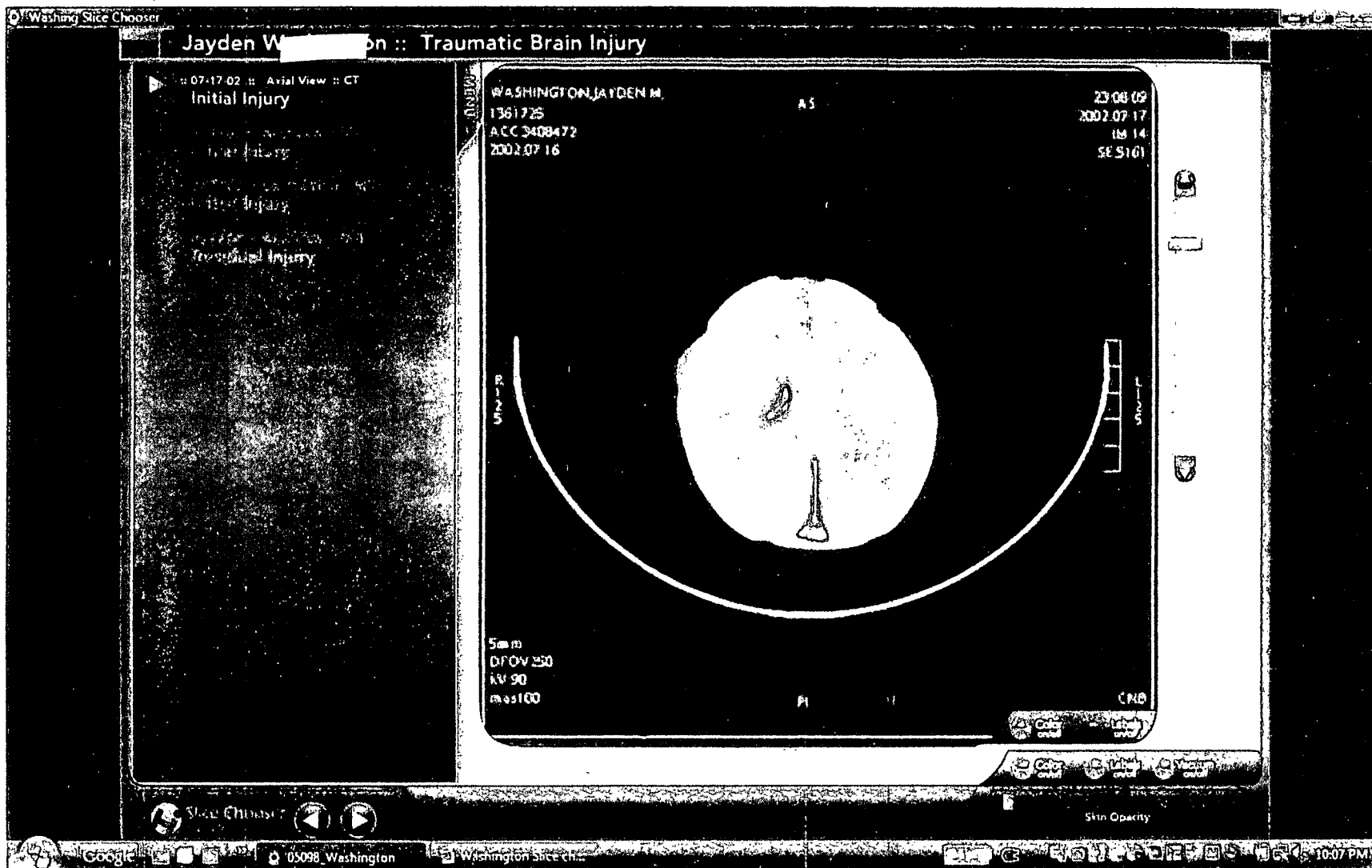


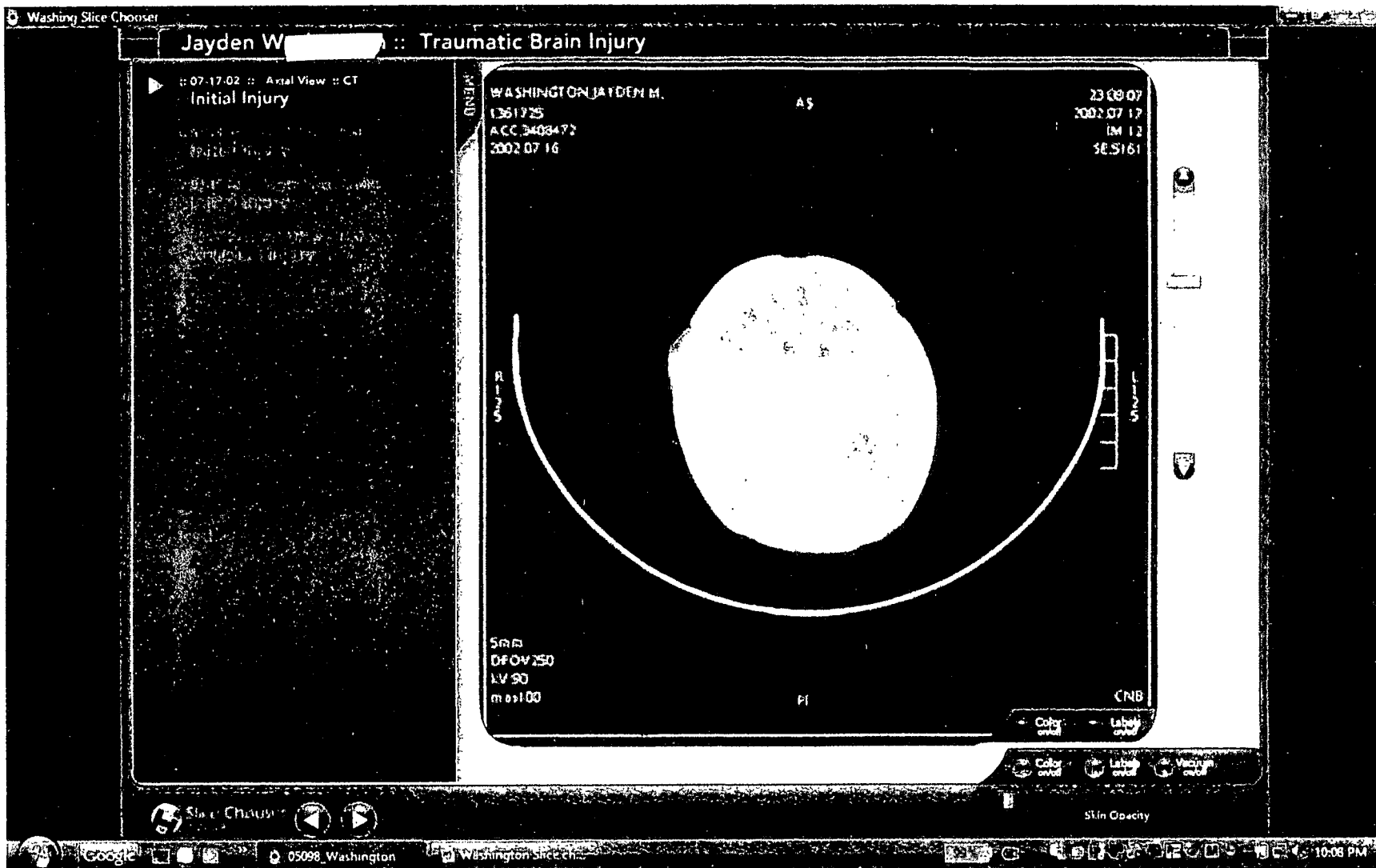


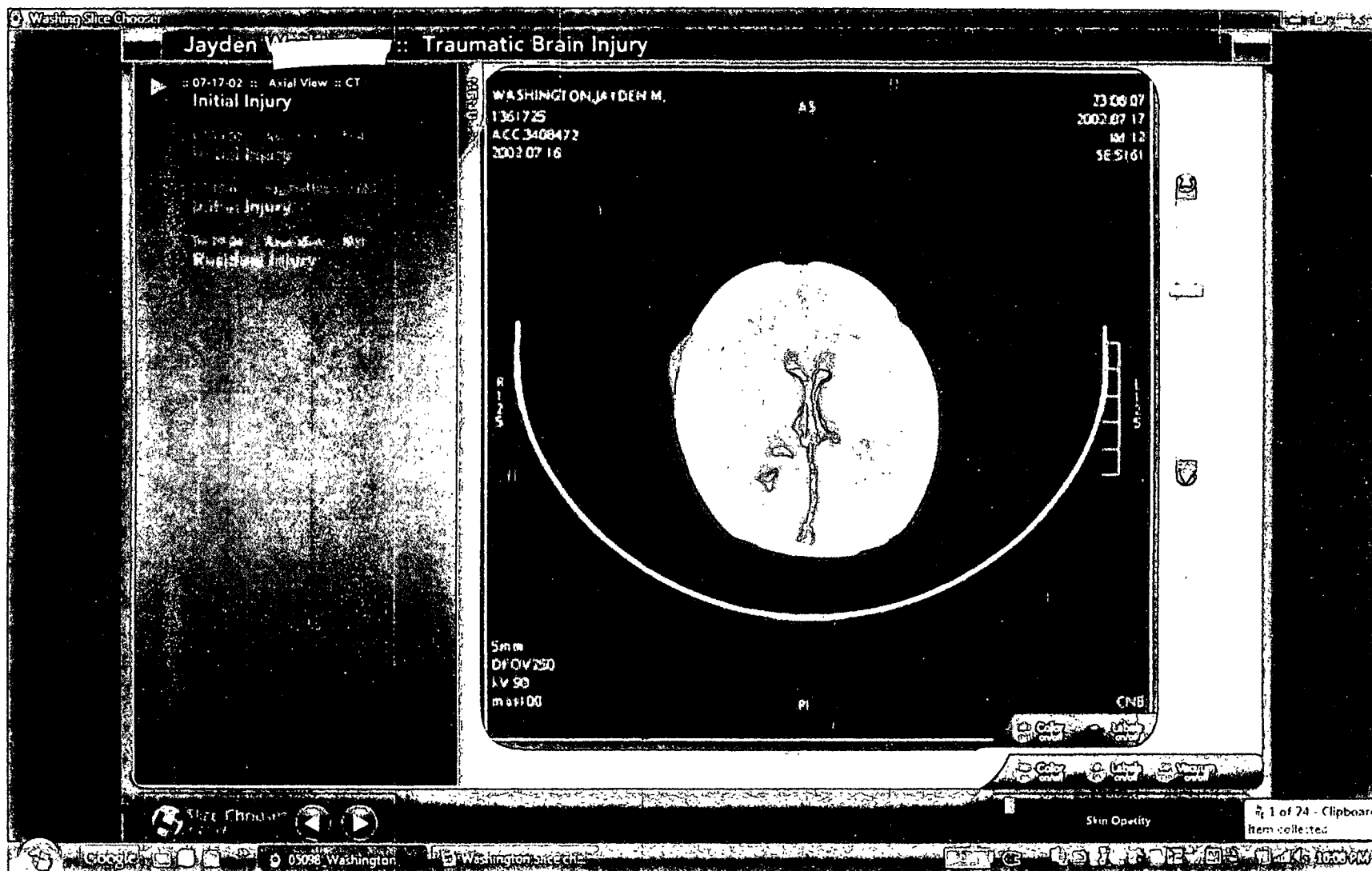


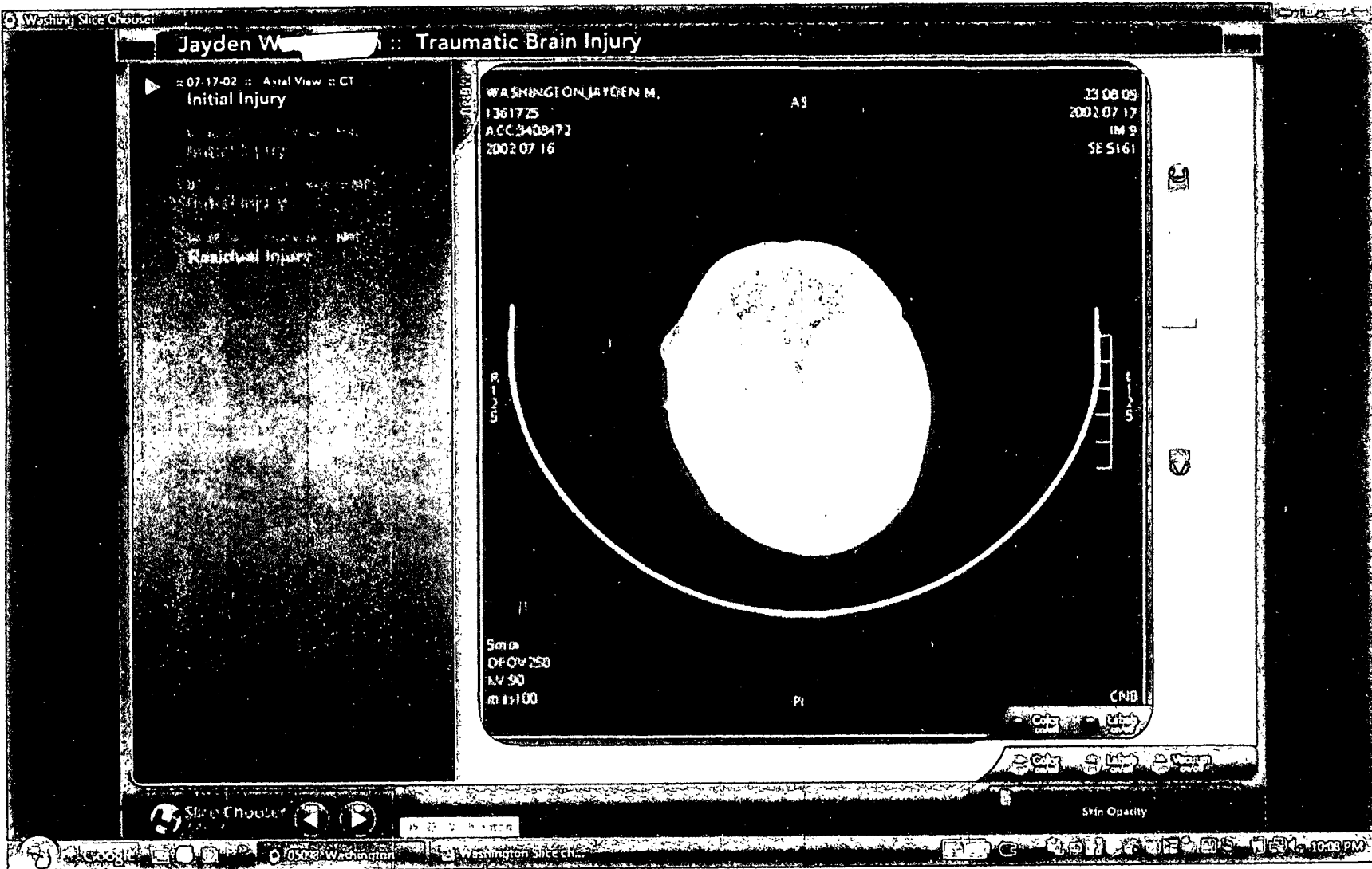


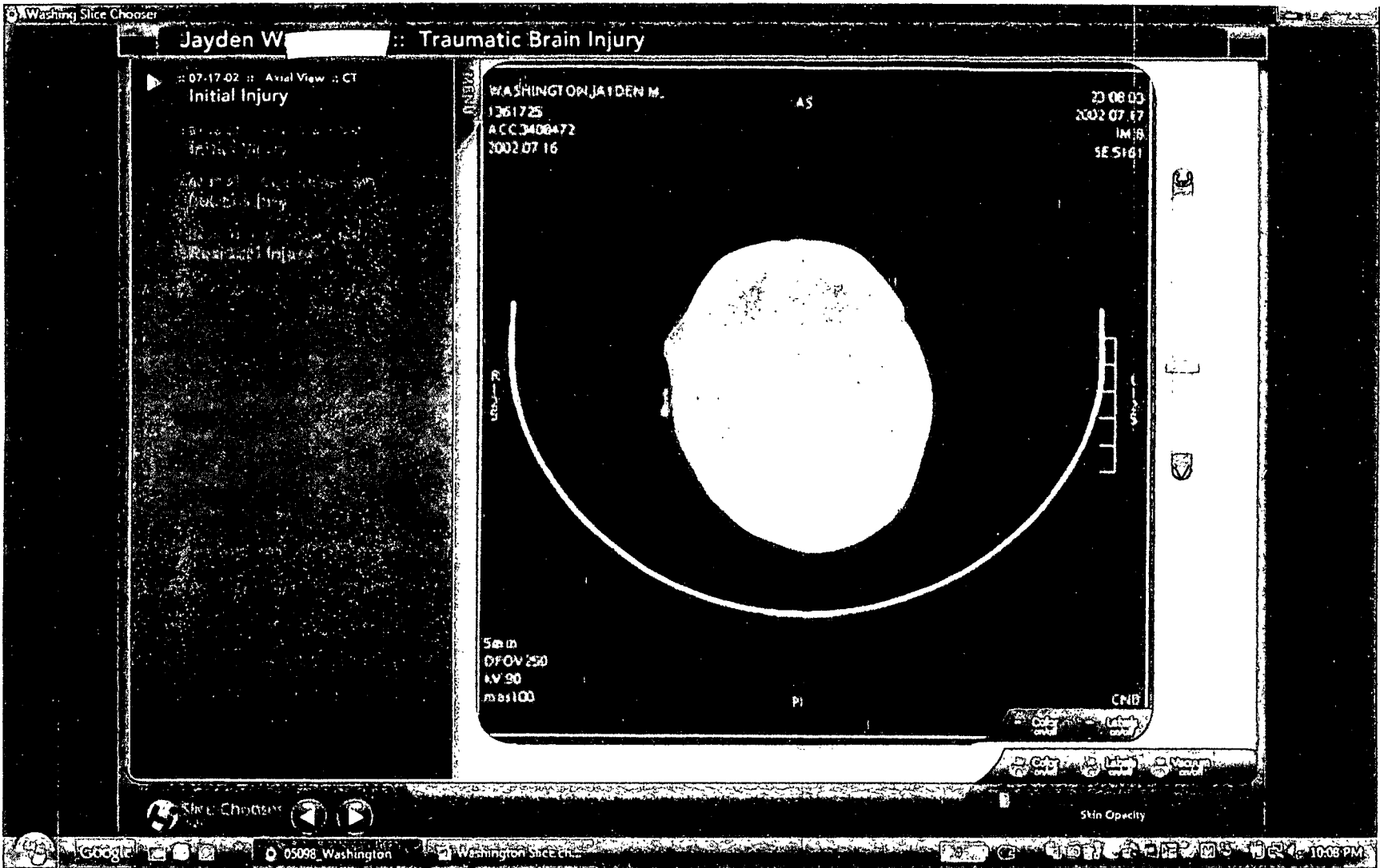


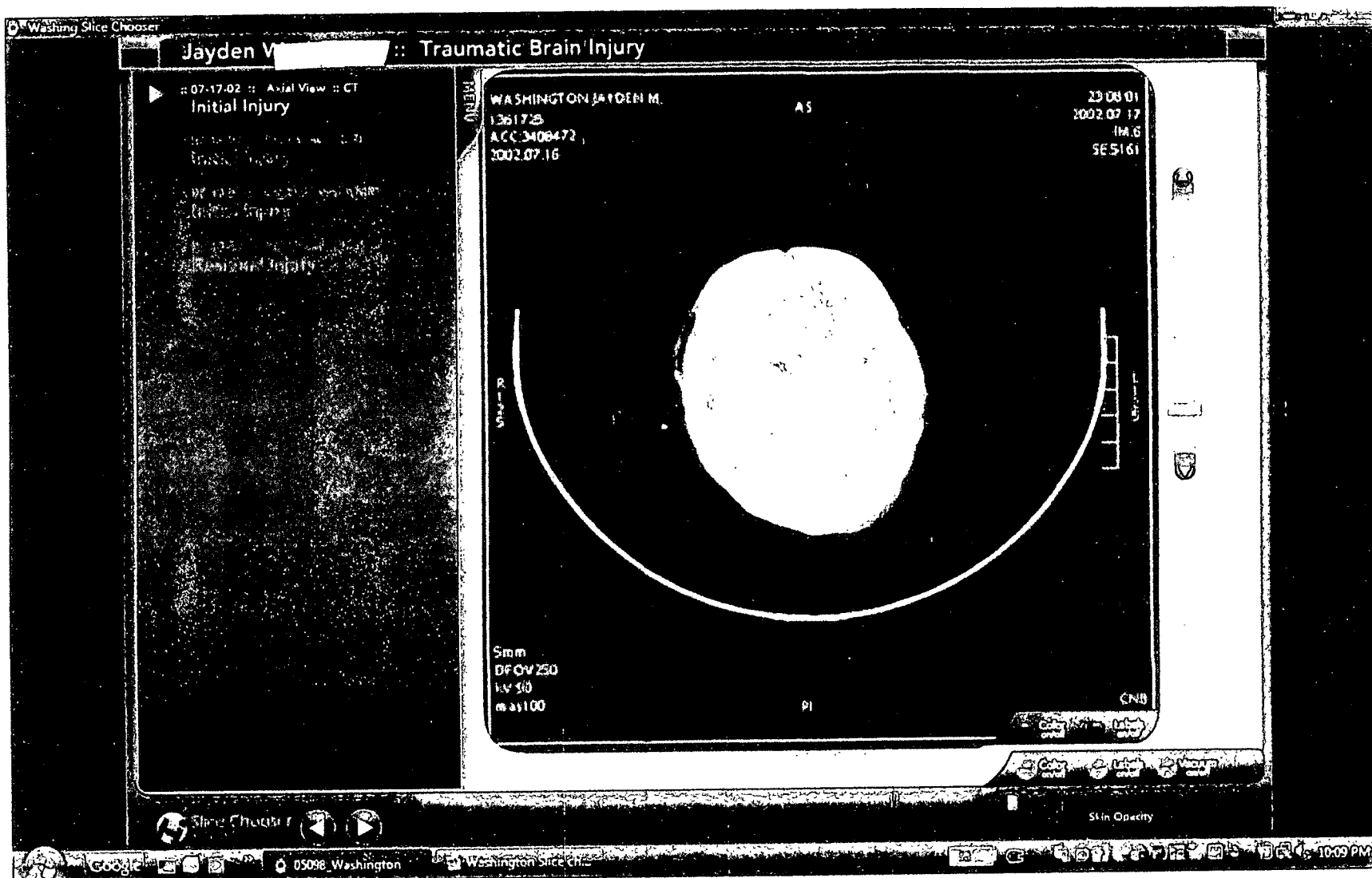


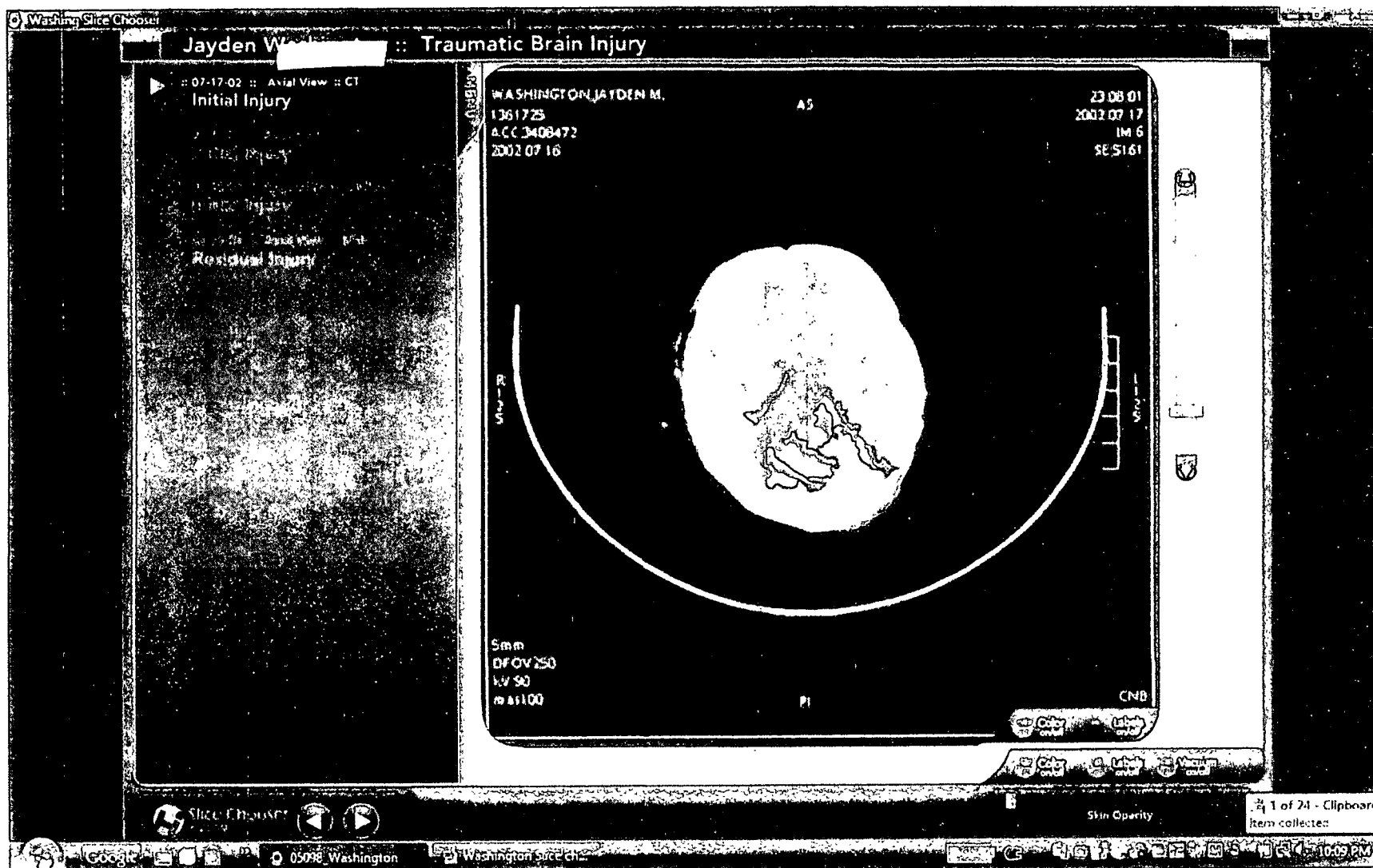












Jayden Washington: Traumatic Brain Injury

▶ 07-17-02 :: Axial View :: CT
Initial Injury

07-17-02 :: Axial View :: CT
Initial Injury

07-17-02 :: Axial View :: CT
Initial Injury

07-17-02 :: Axial View :: CT
Initial Injury

07-17-02 :: Axial View :: CT
Initial Injury

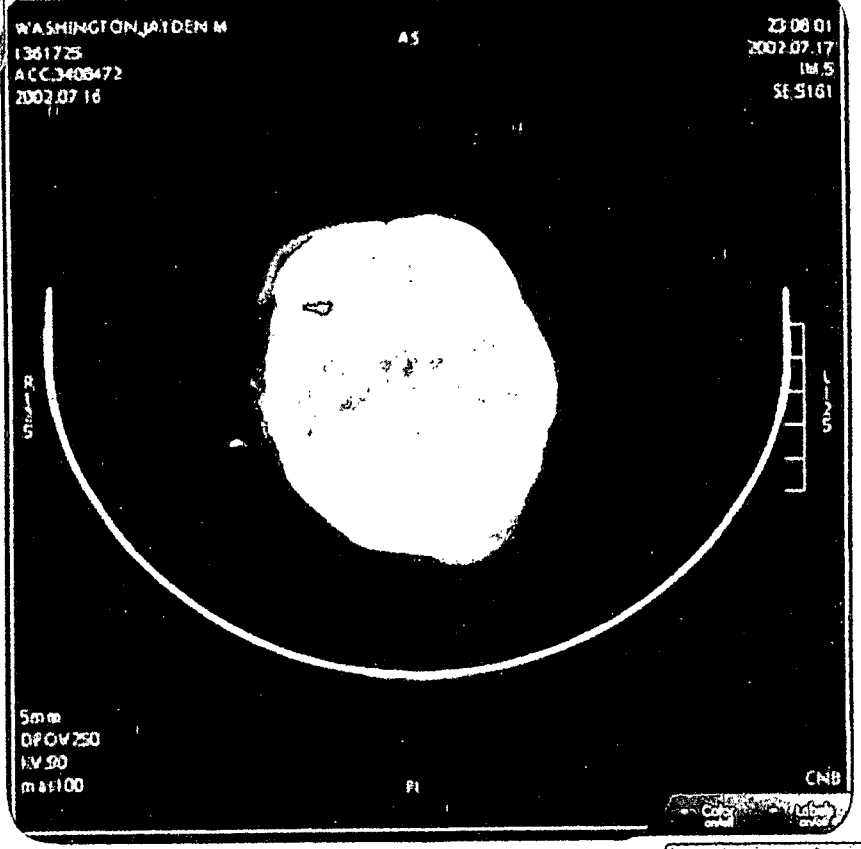
07-17-02 :: Axial View :: CT
Initial Injury

07-17-02 :: Axial View :: CT
Initial Injury

07-17-02 :: Axial View :: CT
Initial Injury

07-17-02 :: Axial View :: CT
Initial Injury

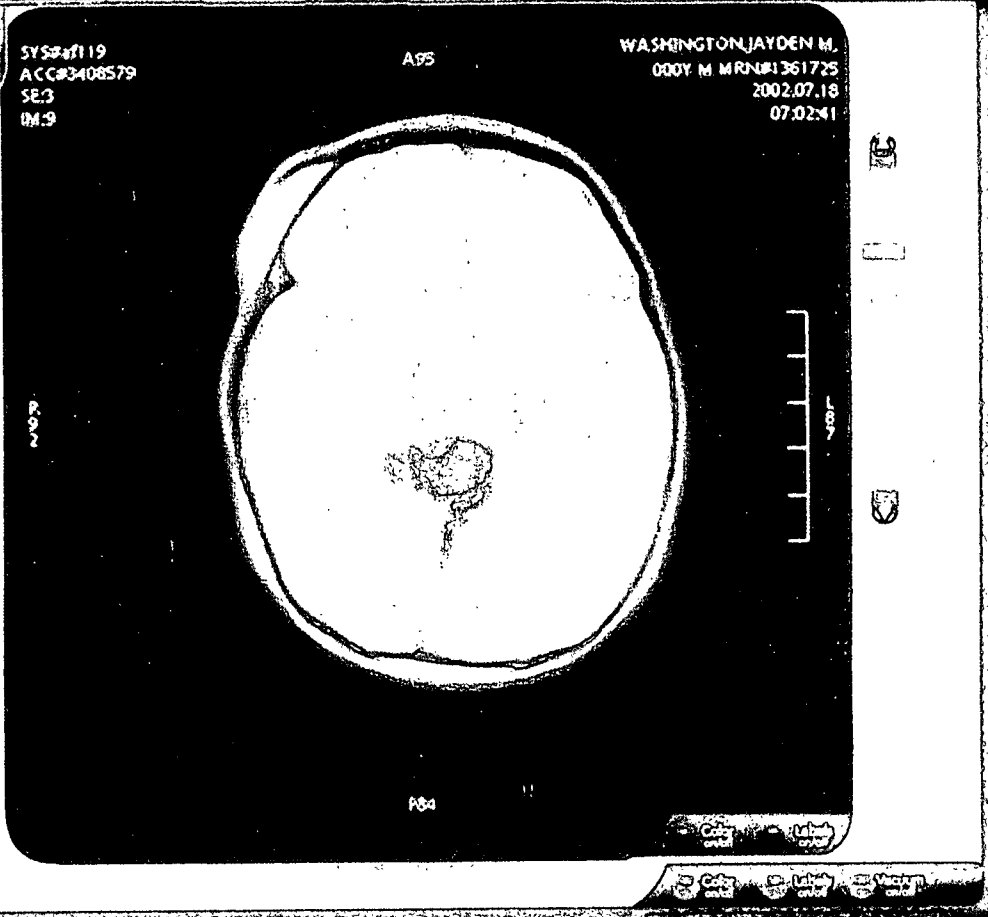
07-17-02 :: Axial View :: CT
Initial Injury

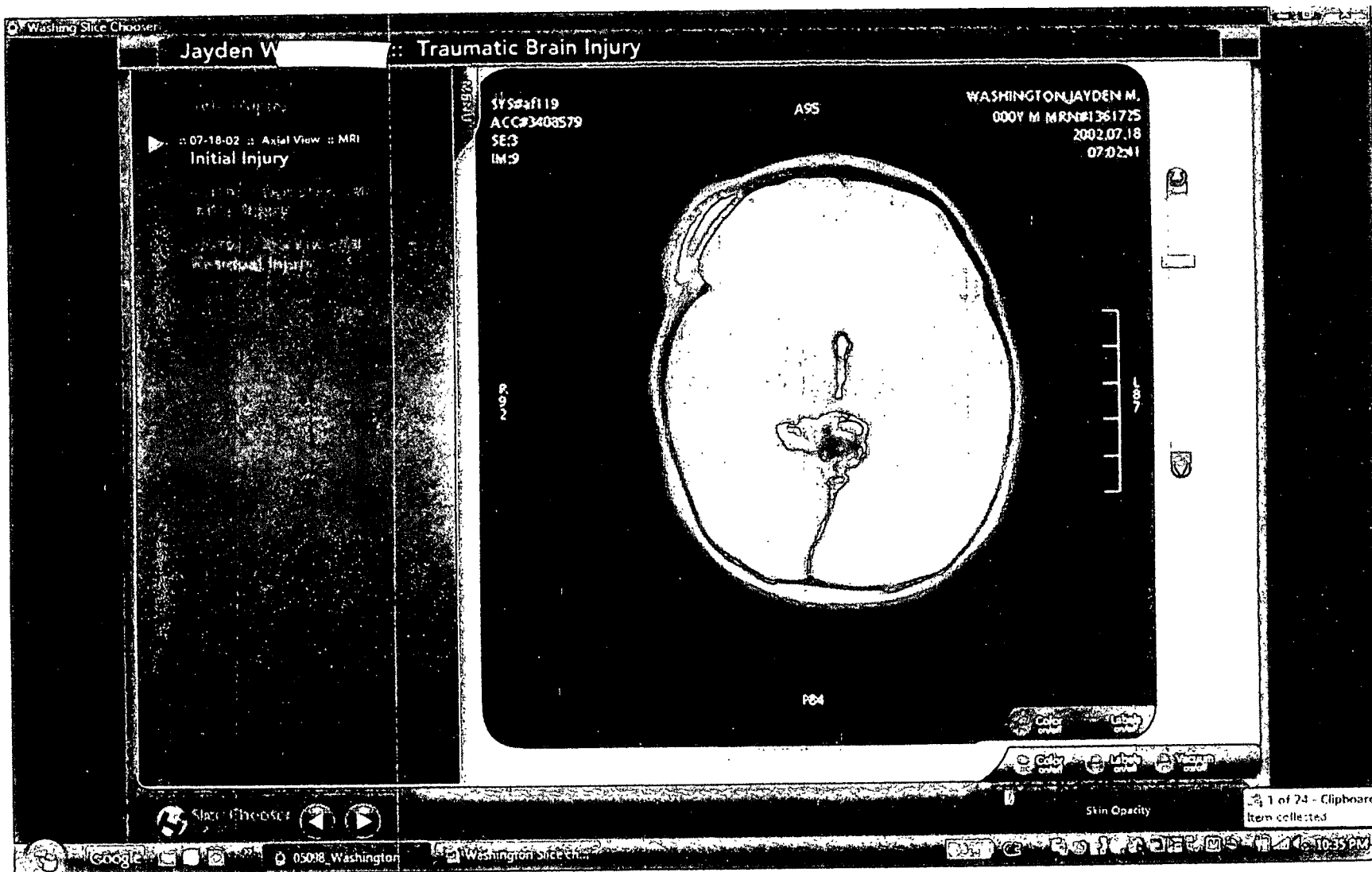


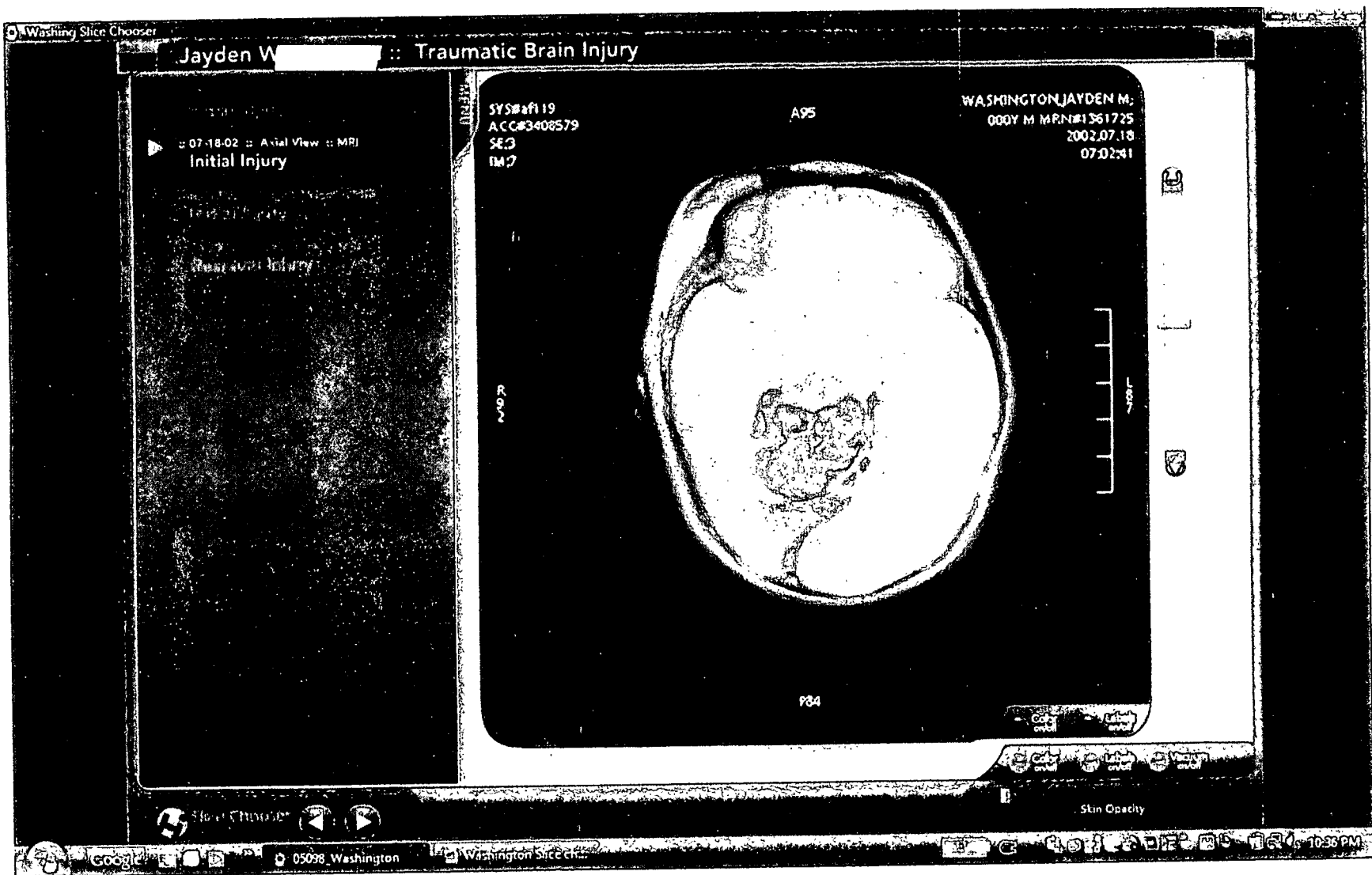
Jayden V [redacted] : Traumatic Brain Injury

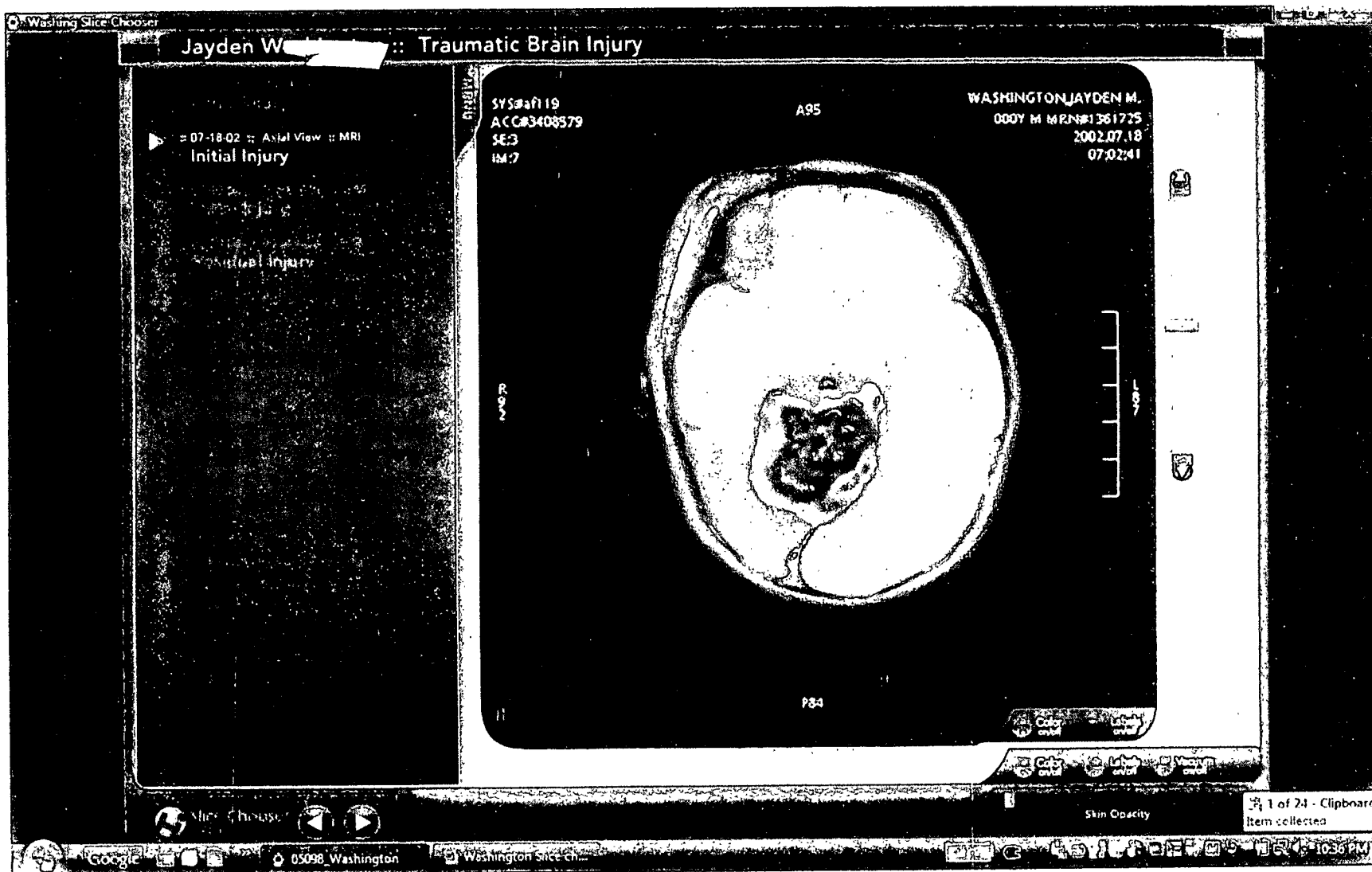
07-18-02 :: Axial View :: MRI
Initial Injury

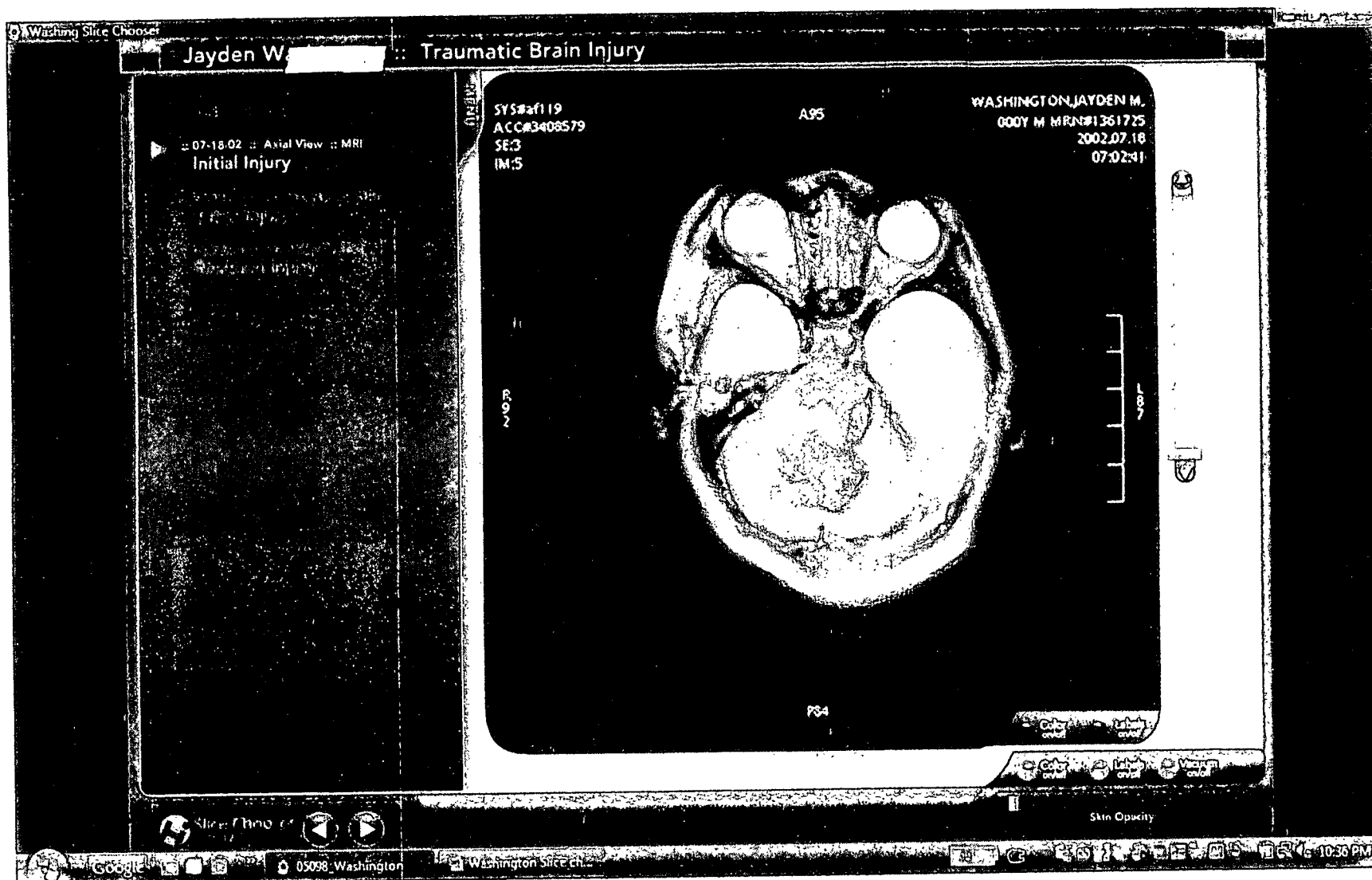
Residual Injury

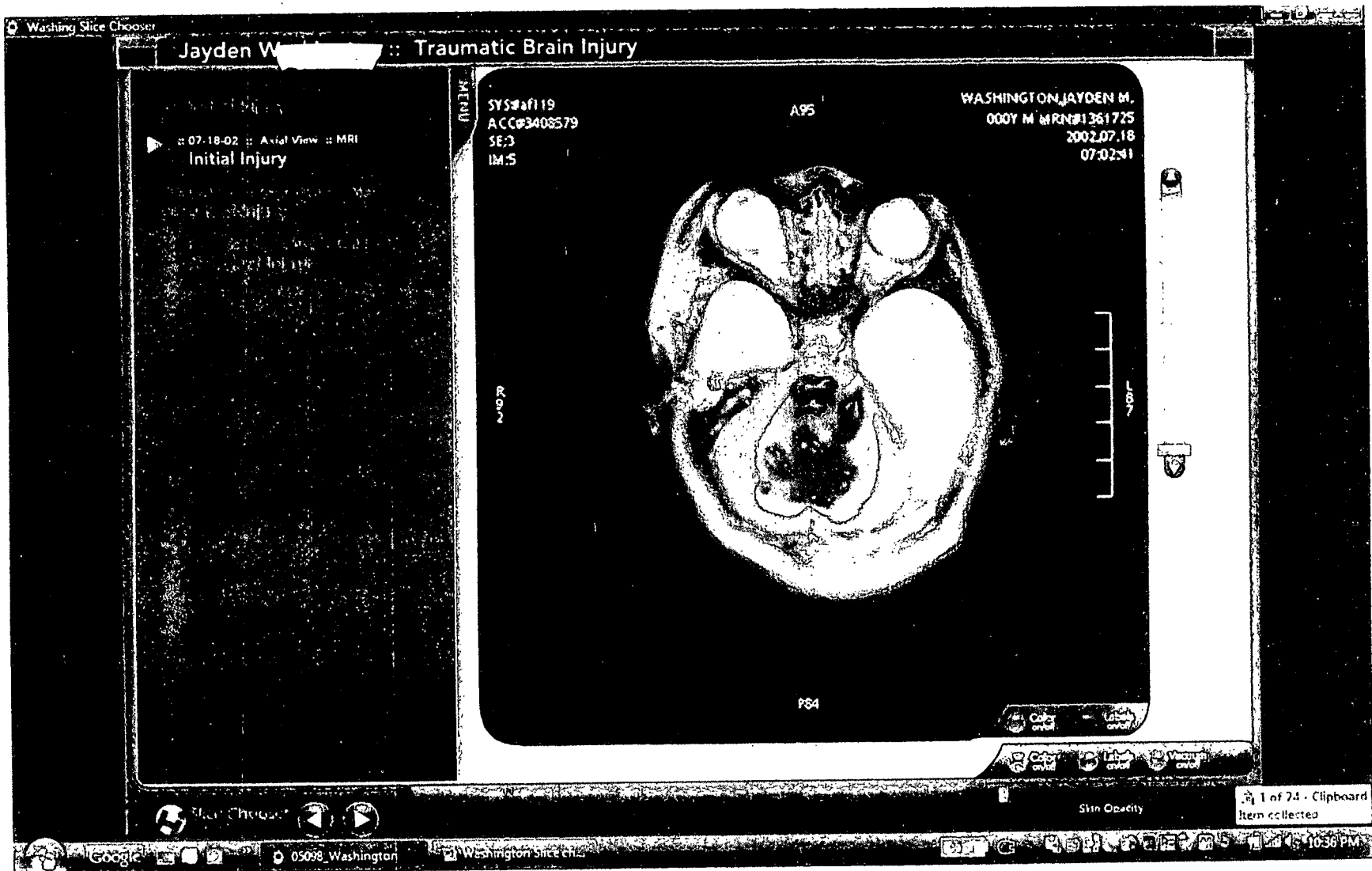


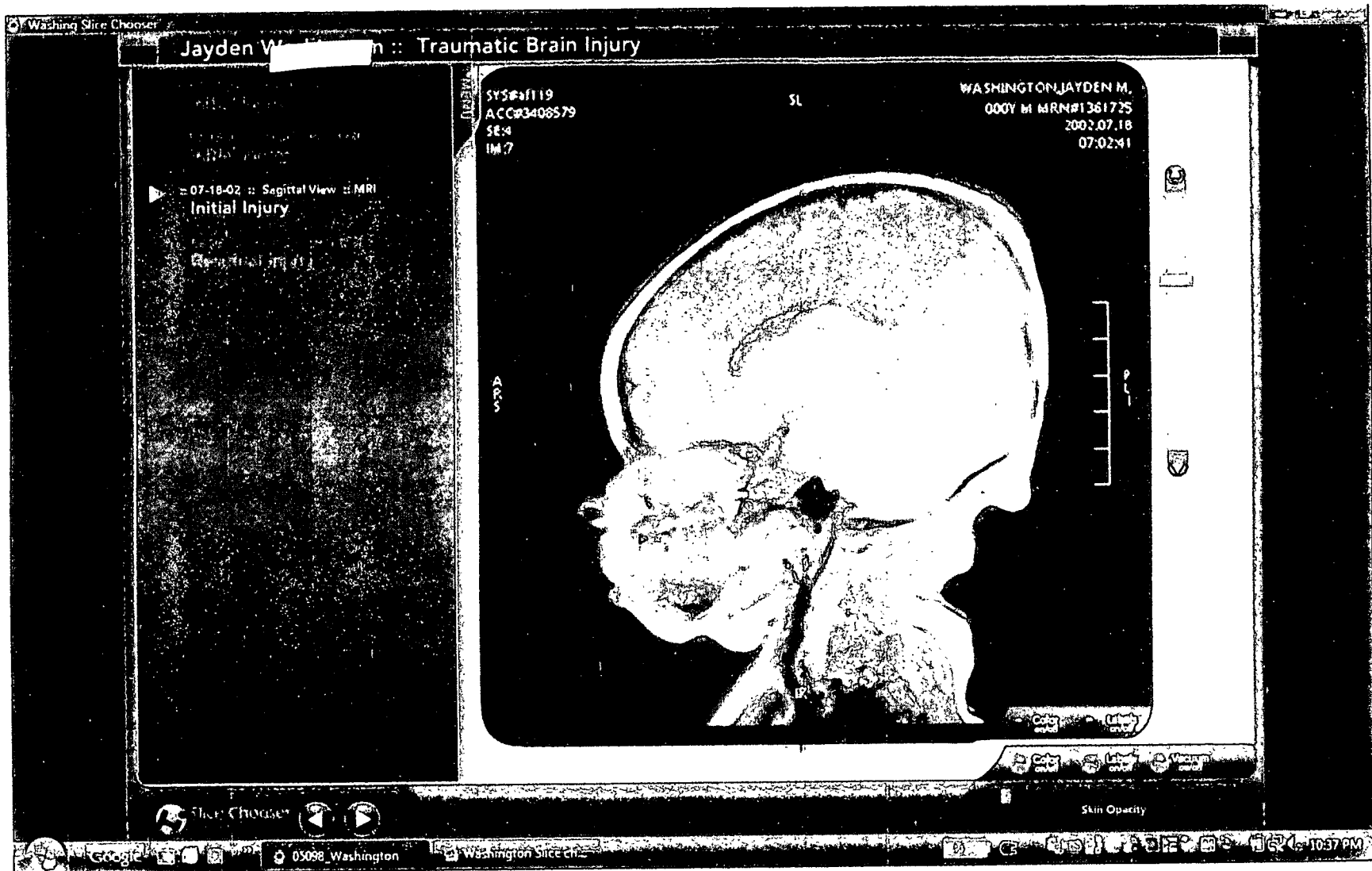


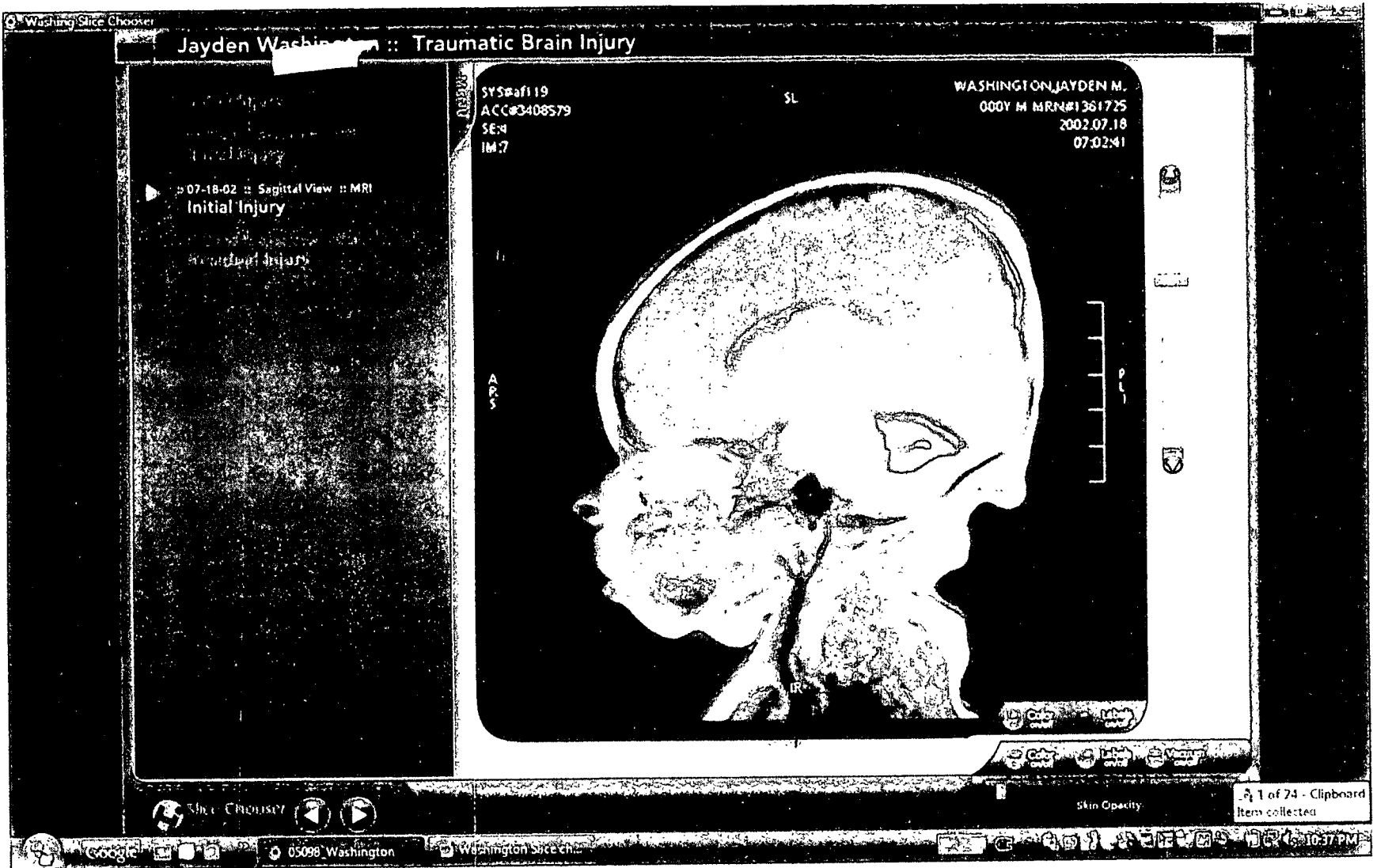












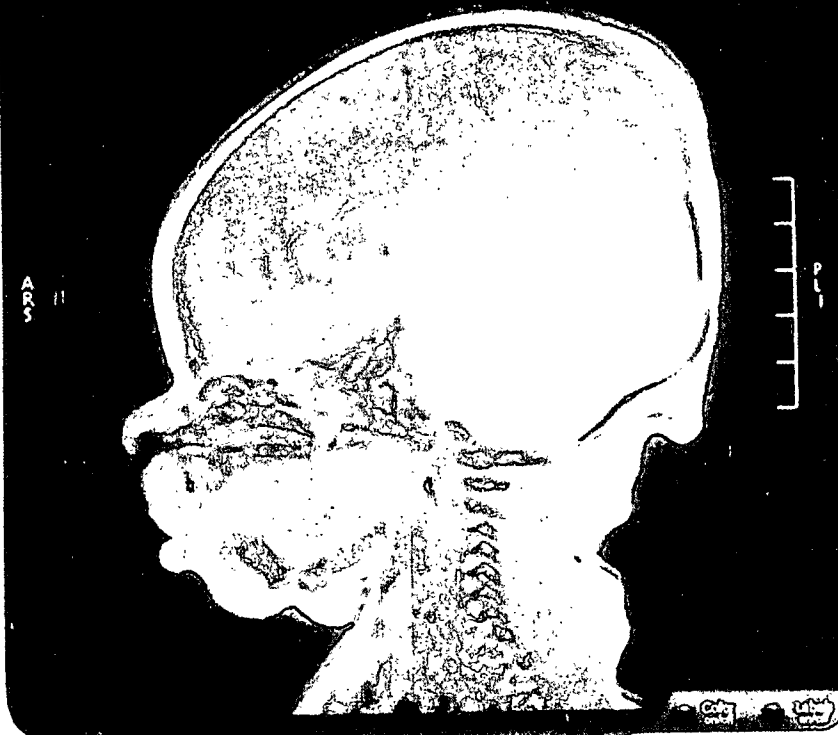
07-18-02 :: Sagittal View :: MRI
Initial Injury

Regional Injury

SYSAF119
ACC#3408579
SEX
IMB

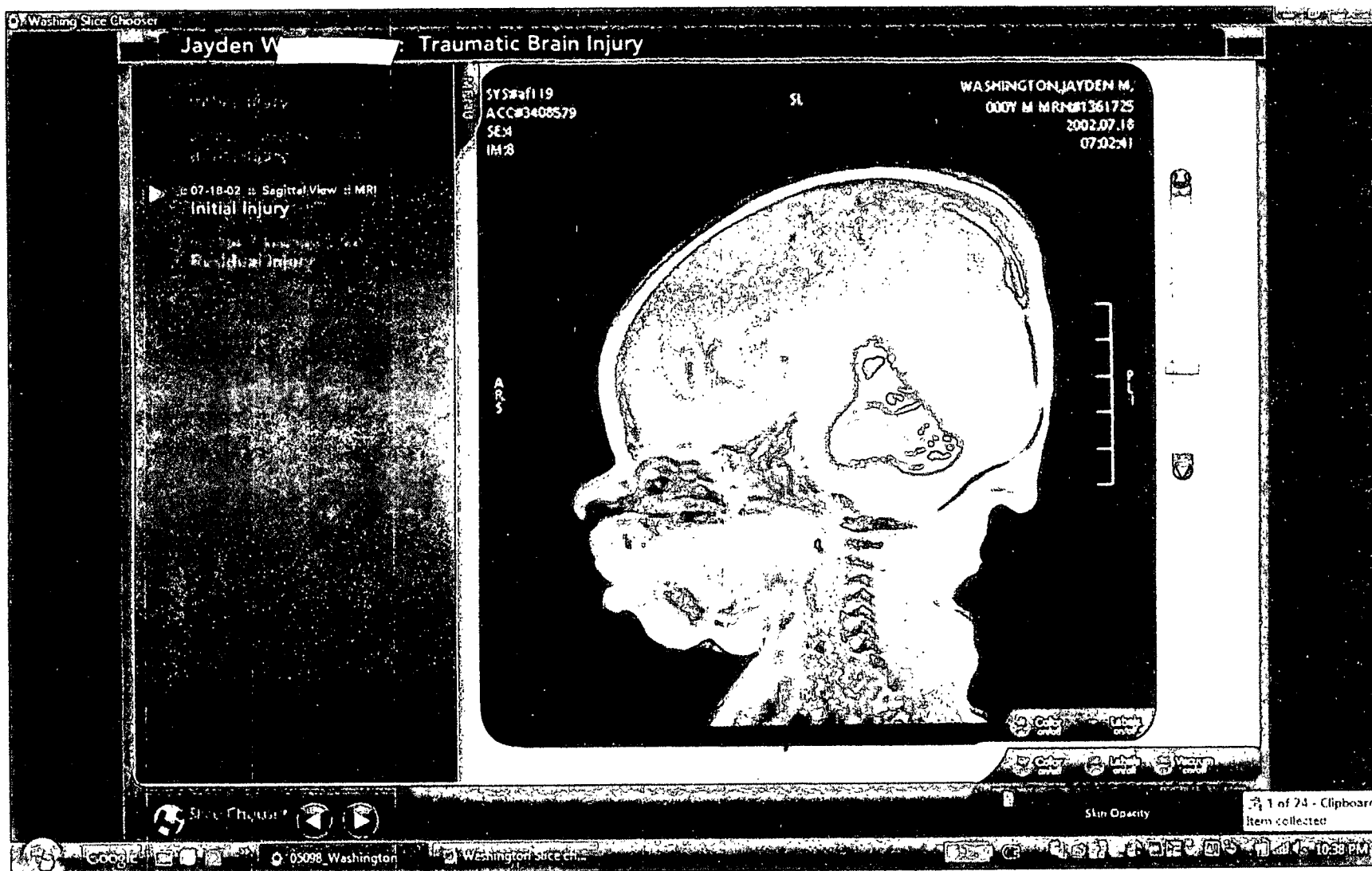
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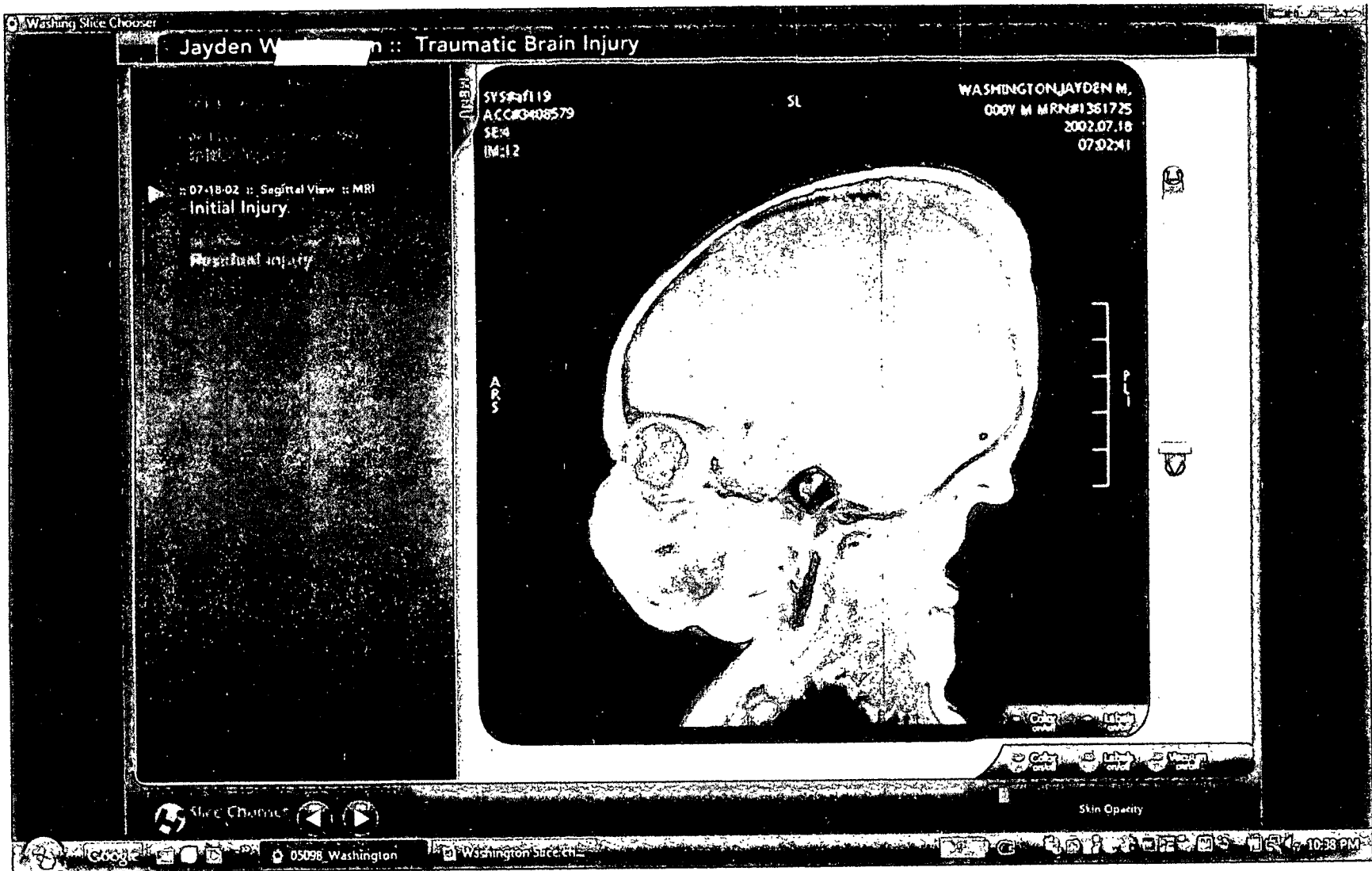
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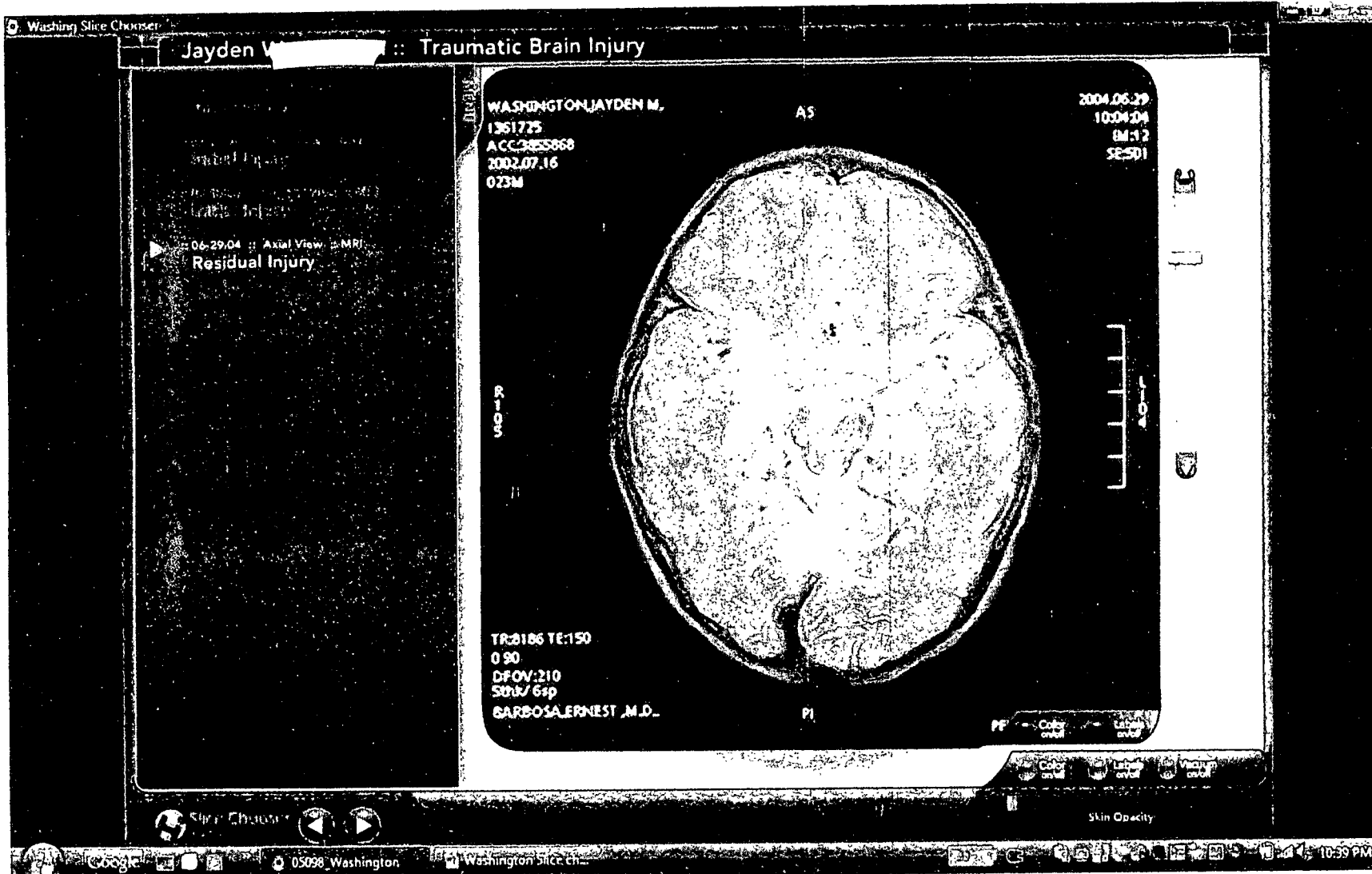




Skin Opacity







Jayden W. : Traumatic Brain Injury

Washing Slice Chooser
Residual Injury

7/26/10

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073M

AS

2004.06.29
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52:501

S-O-R



ADT

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5mm/6sp
BARBOSA, ERNEST, M.D.

PI

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Color
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Slice Chooser

Skin Opacity

1 of 24 - Clipboard
Item collected

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05096_Washington

Washington Slice ch...

10:39 PM

Jayden Washington :: Traumatic Brain Injury

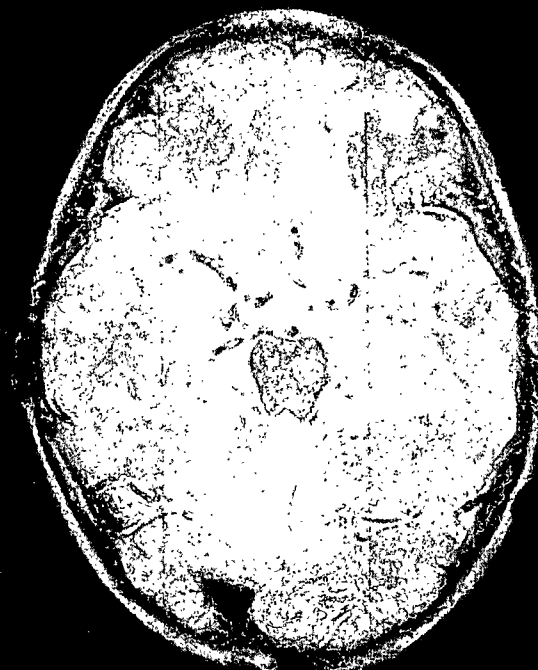
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023M

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PI

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Skin Opacity

Slice Chooser



Google

05098 Washington

Washington Slice Chooser

10:59 PM

Washing Slice Chooser

Jayden Washington :: Traumatic Brain Injury

Residual Injury

06-29-04 :: Axial View :: MRI
Residual Injury

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023M

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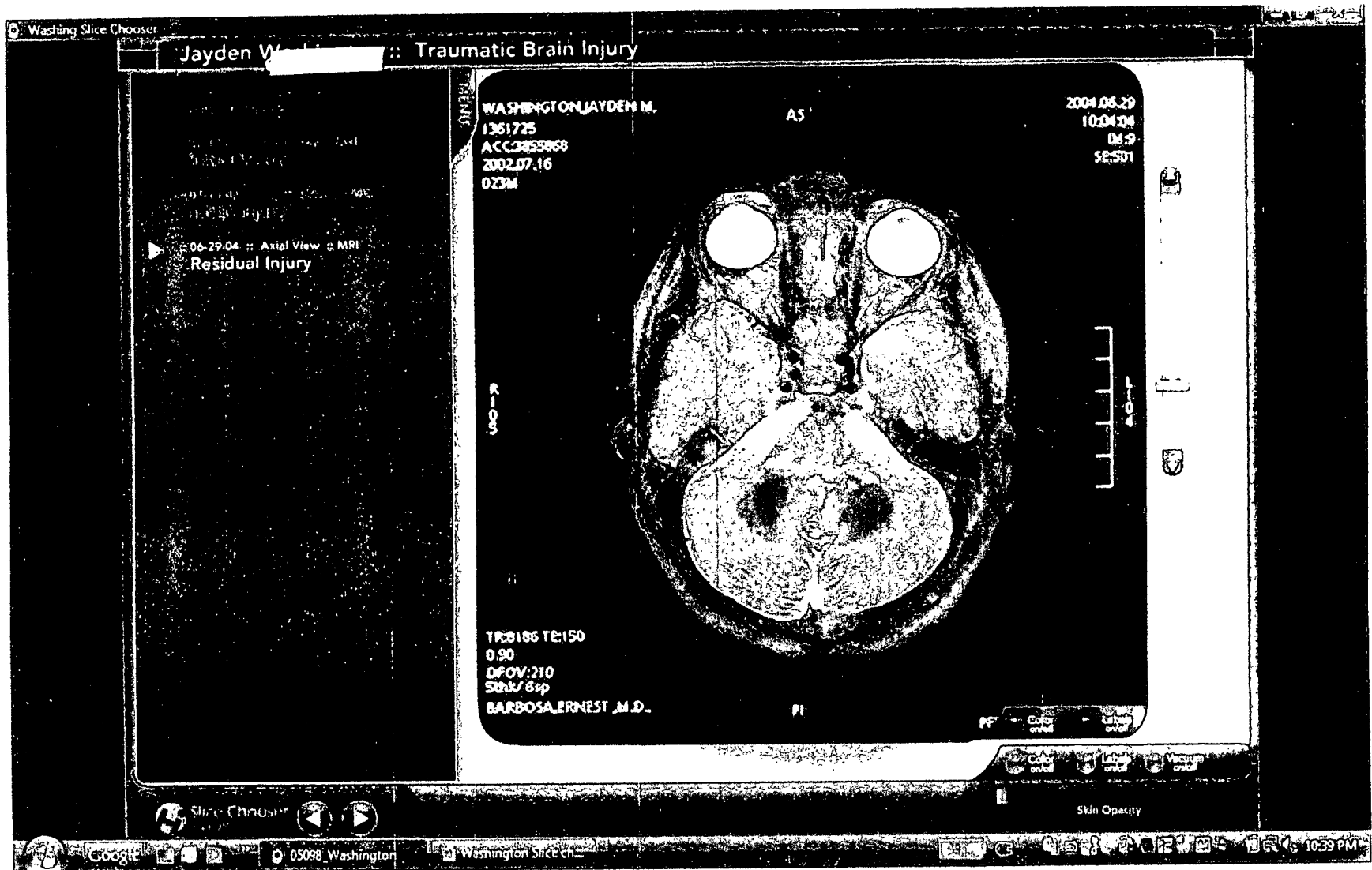
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Skin Opacity

1 of 74 - Clipboard
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Slice Chooser



Washing Slice Chooser

Jayden W :: Traumatic Brain Injury

06-29-04
Residual Injury

06-29-04 Axial View MRI
Residual Injury

AS

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2002.07.16
073M

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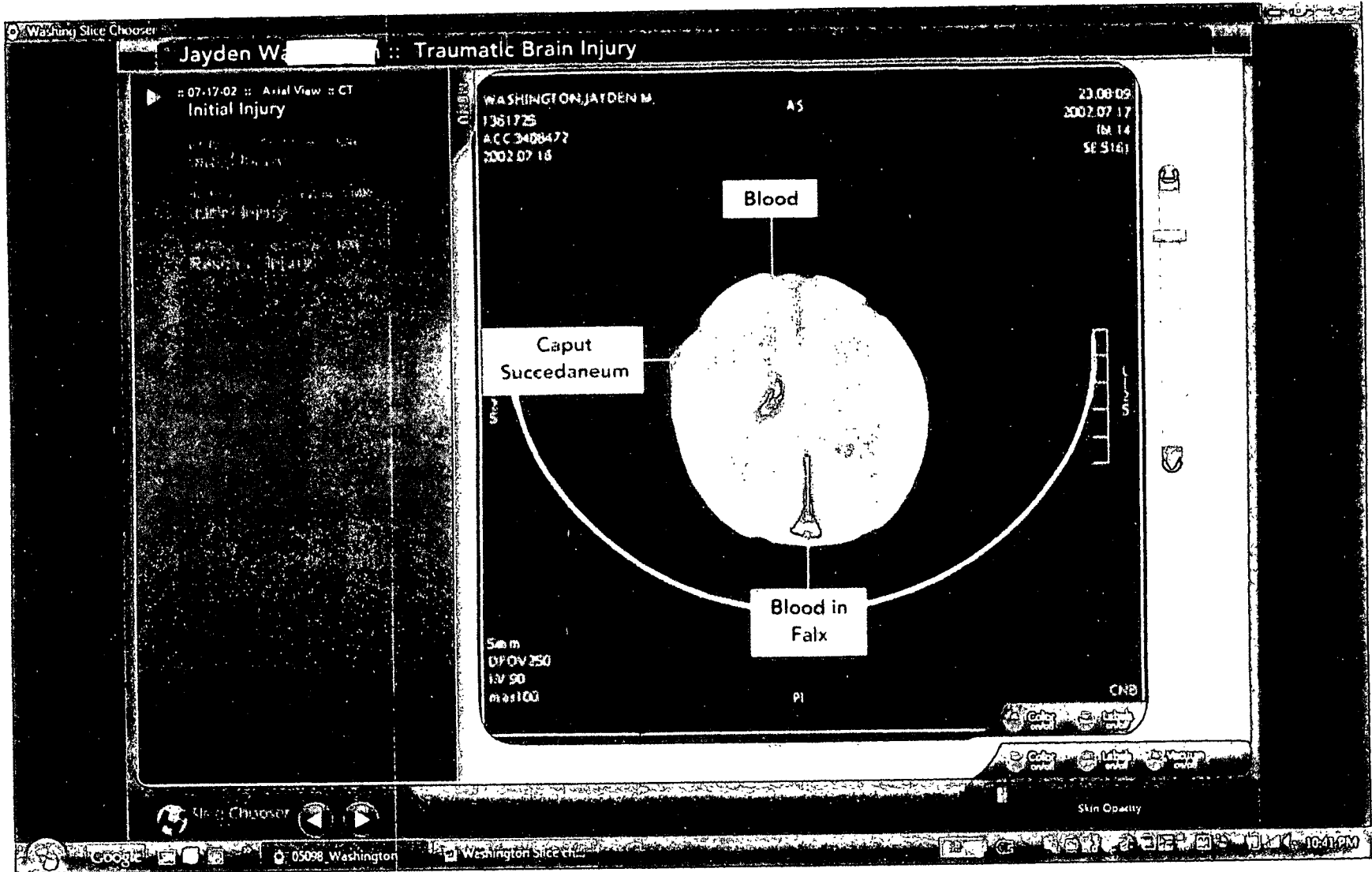
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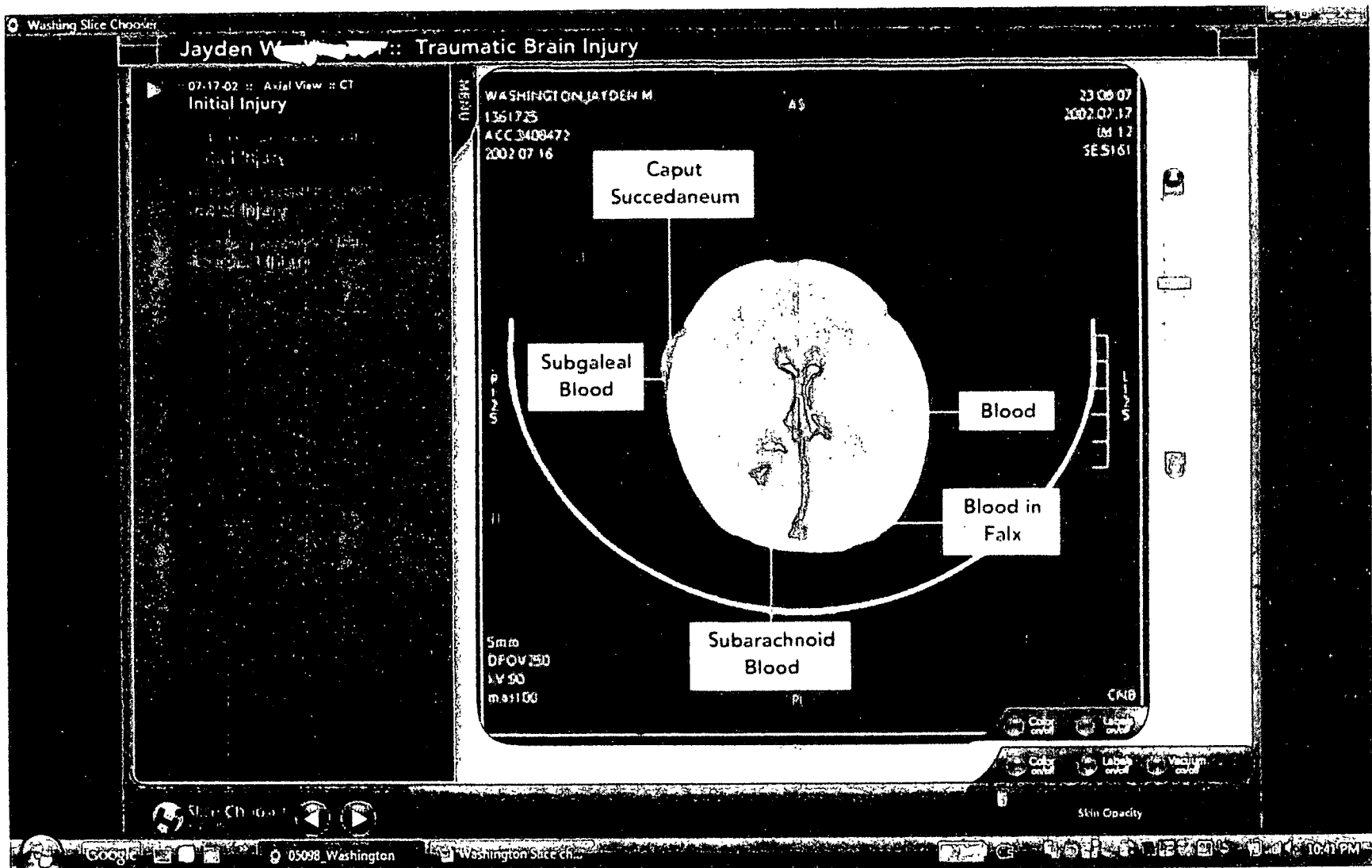
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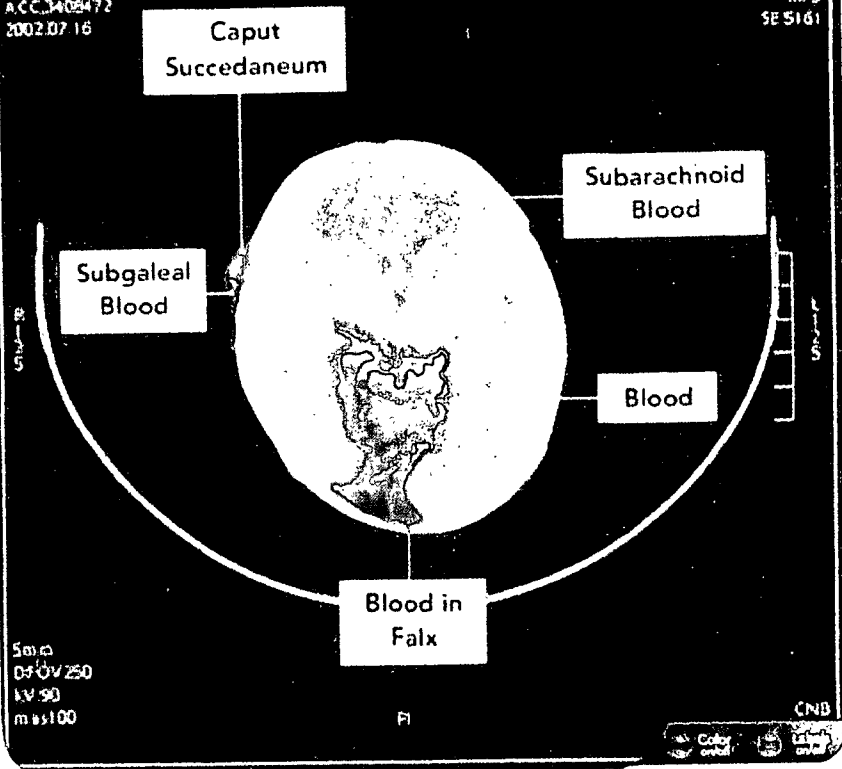


Jayden V. :: Traumatic Brain Injury

07-17-02 :: Axial View :: CT
Initial Injury

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ACC 3408472
2002.07.16

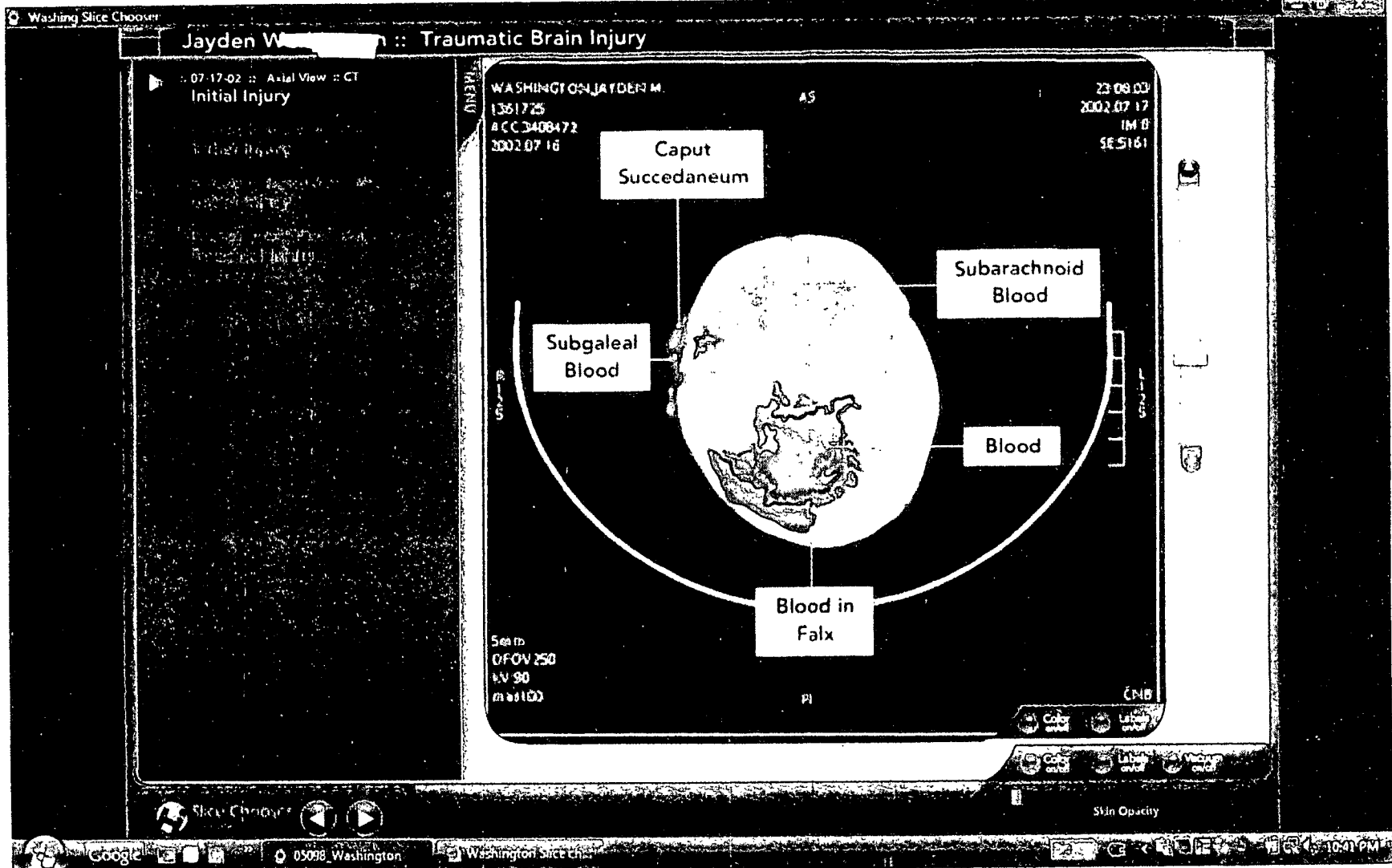
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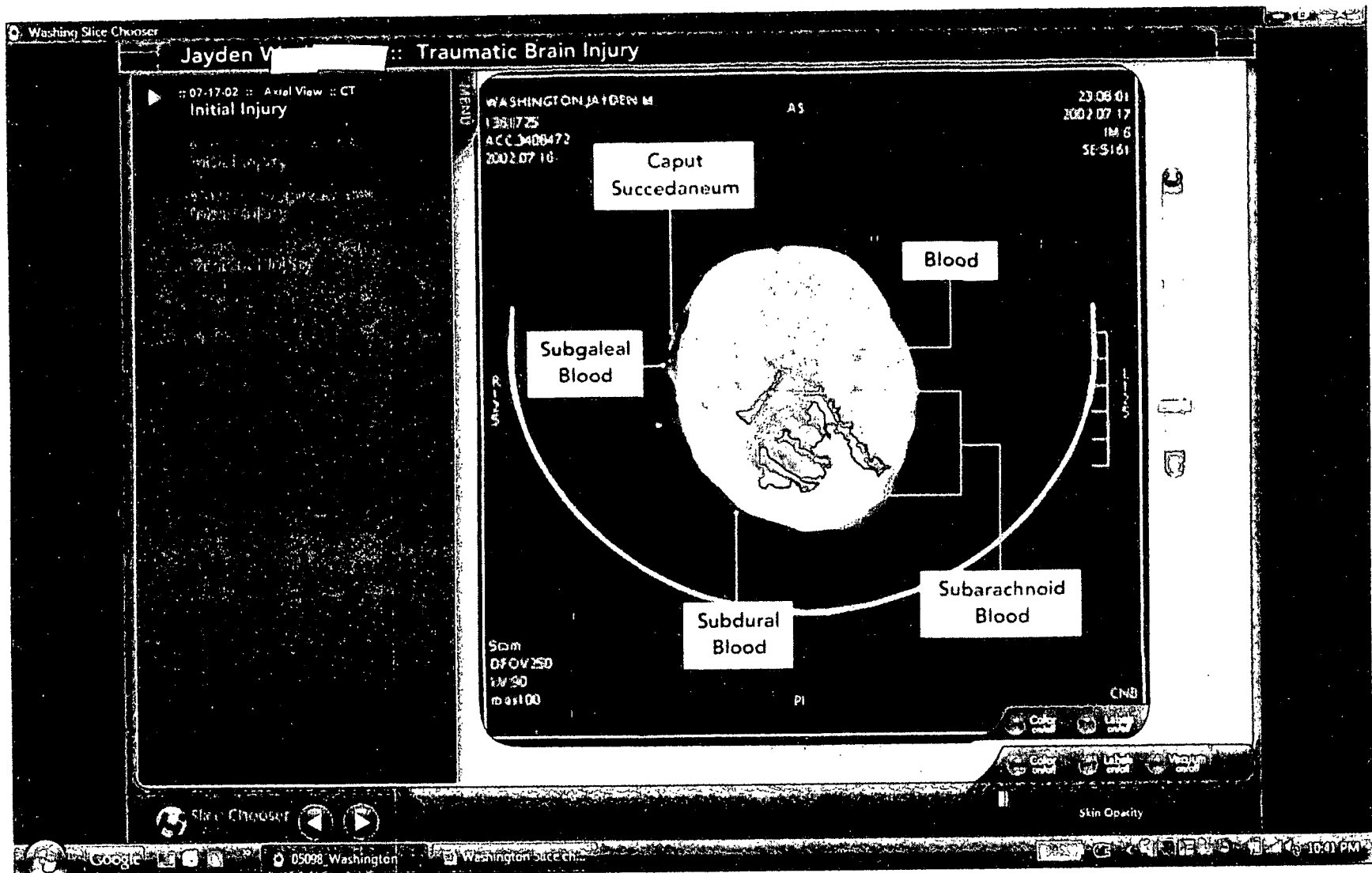


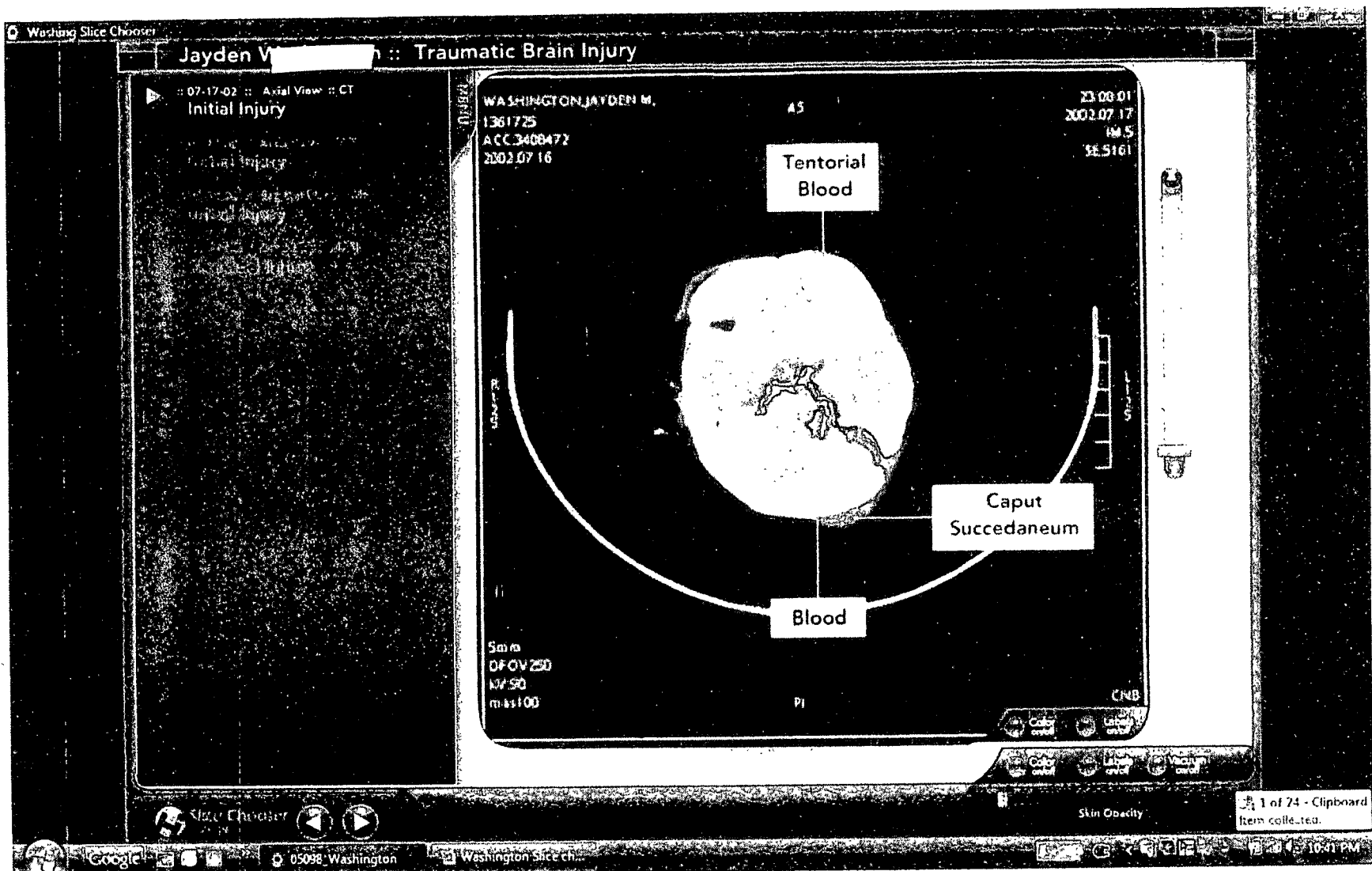
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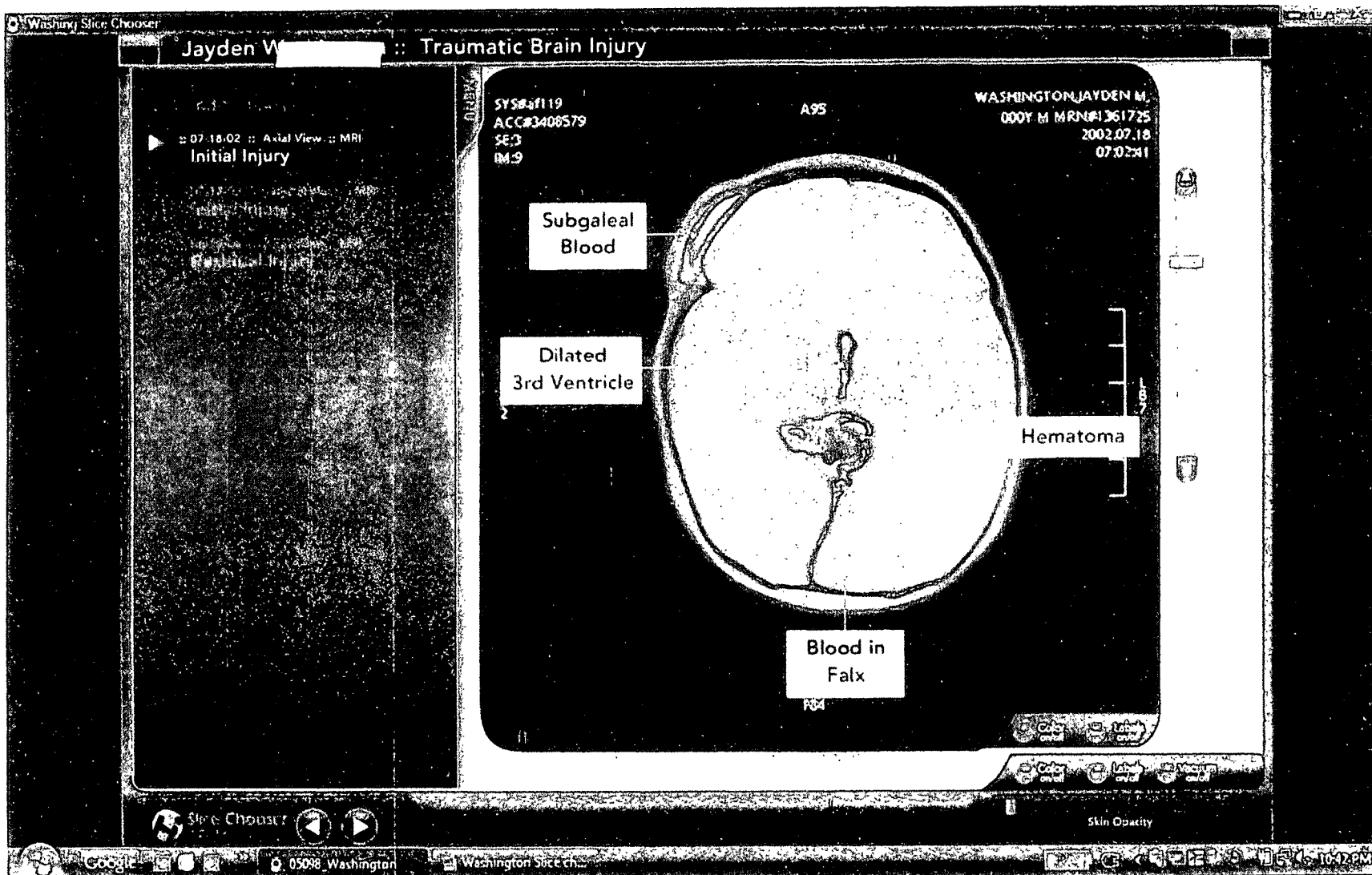
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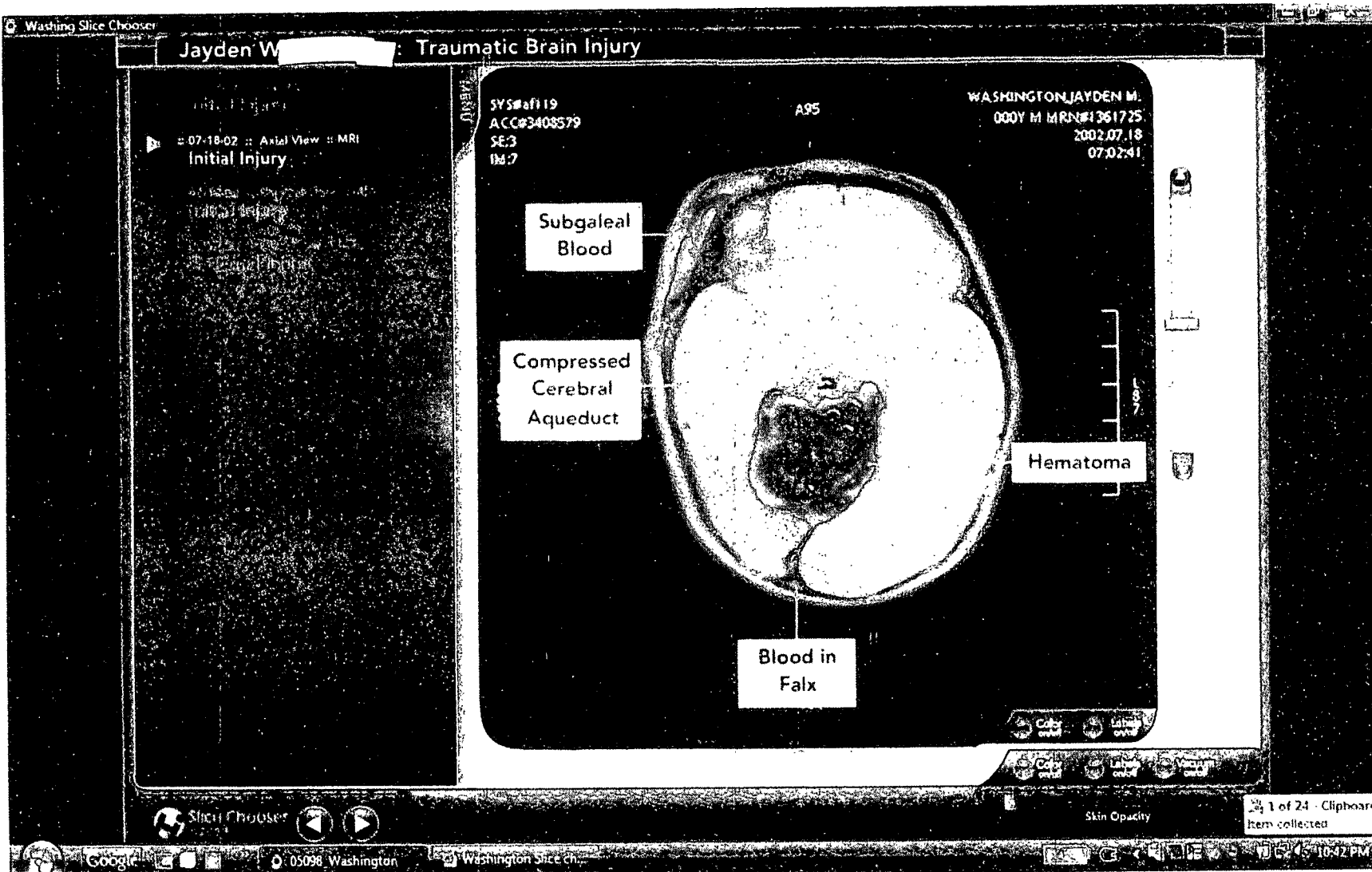
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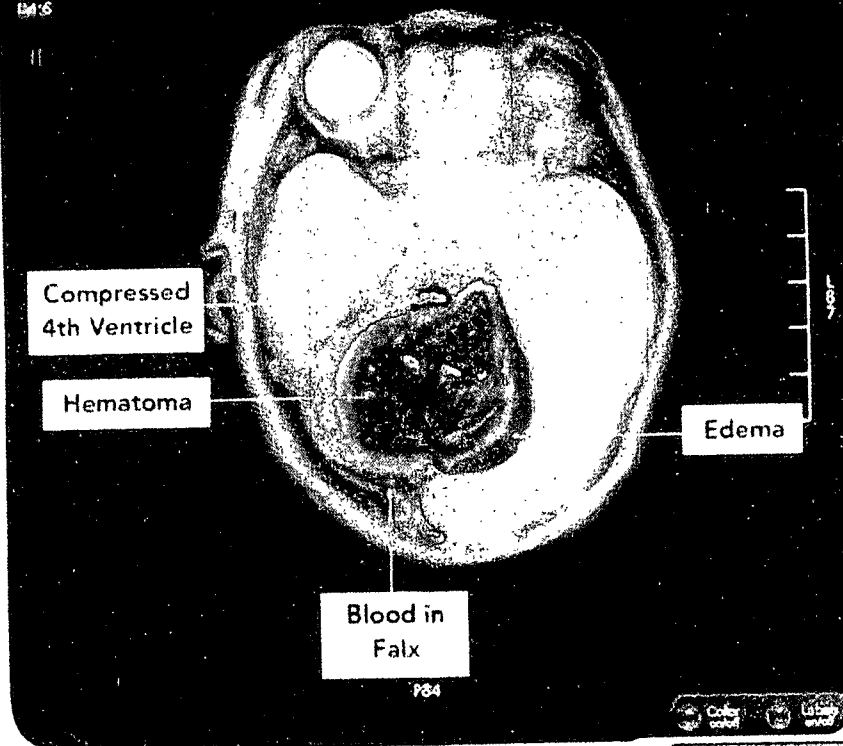


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Initial Injury

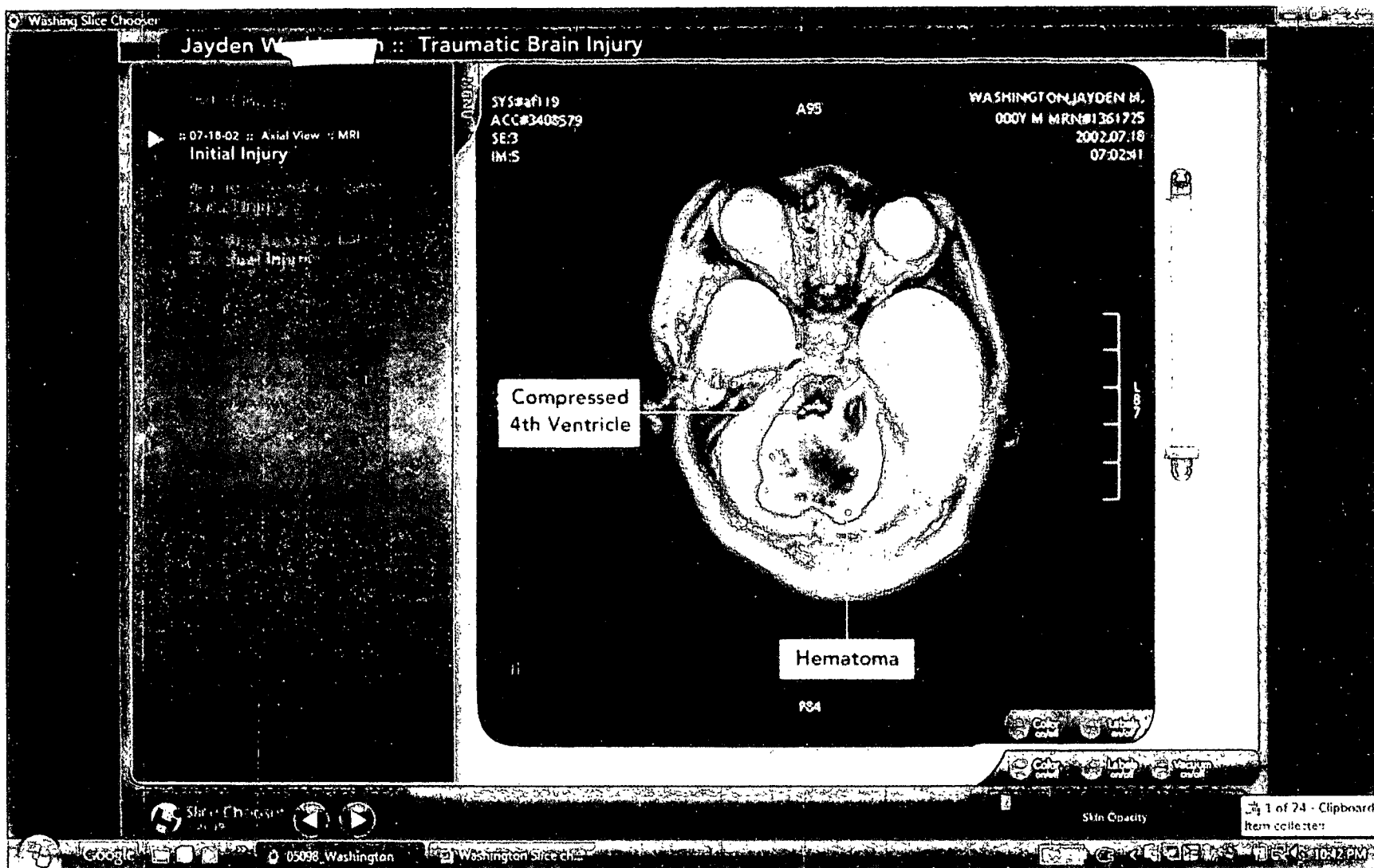
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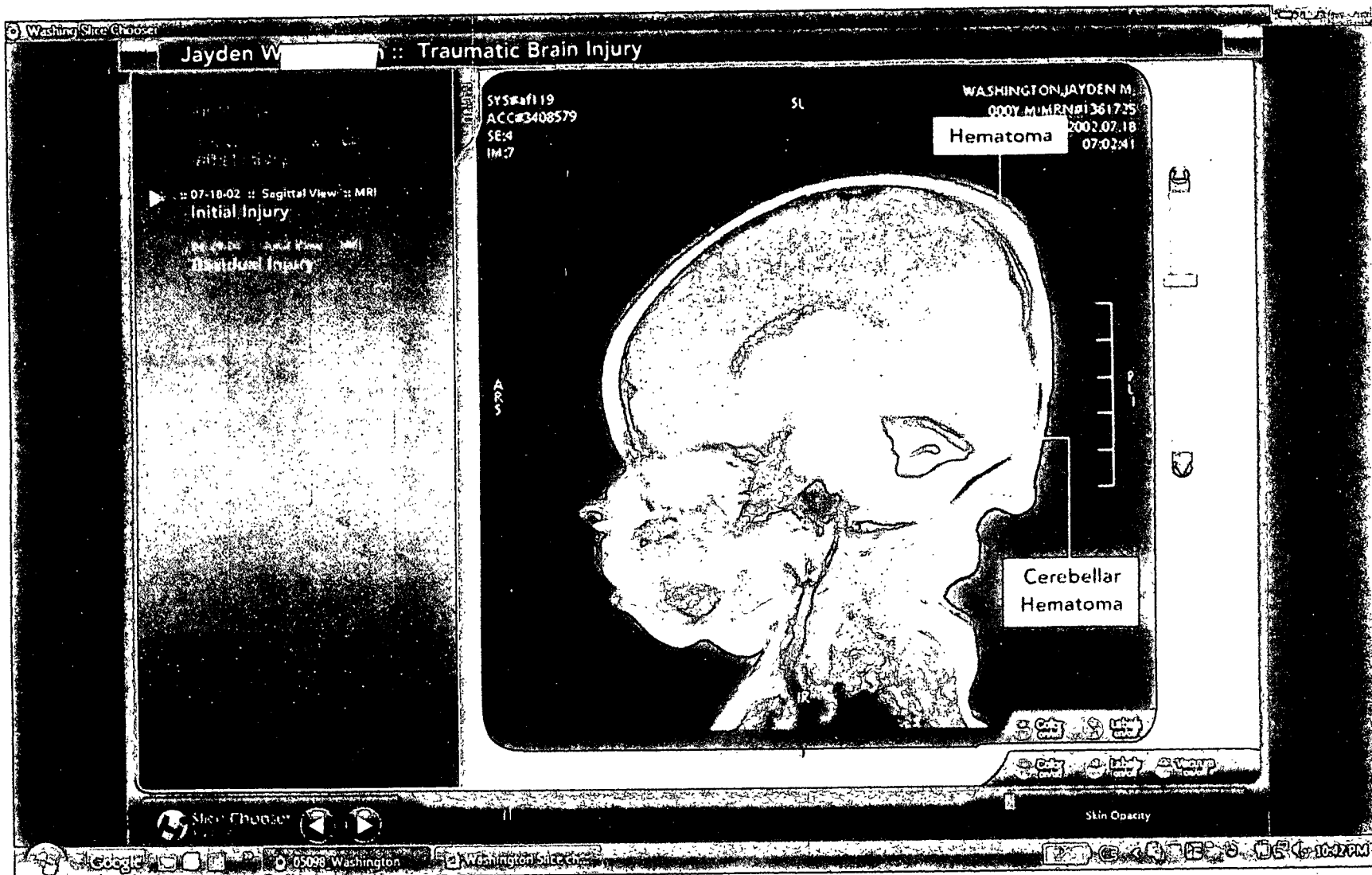
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2002.07.18
07:02:41

 Share-Chooser

Skin Opacity





07-18-02 :: Sagittal View :: MRI
Initial Injury

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SEM
IM18

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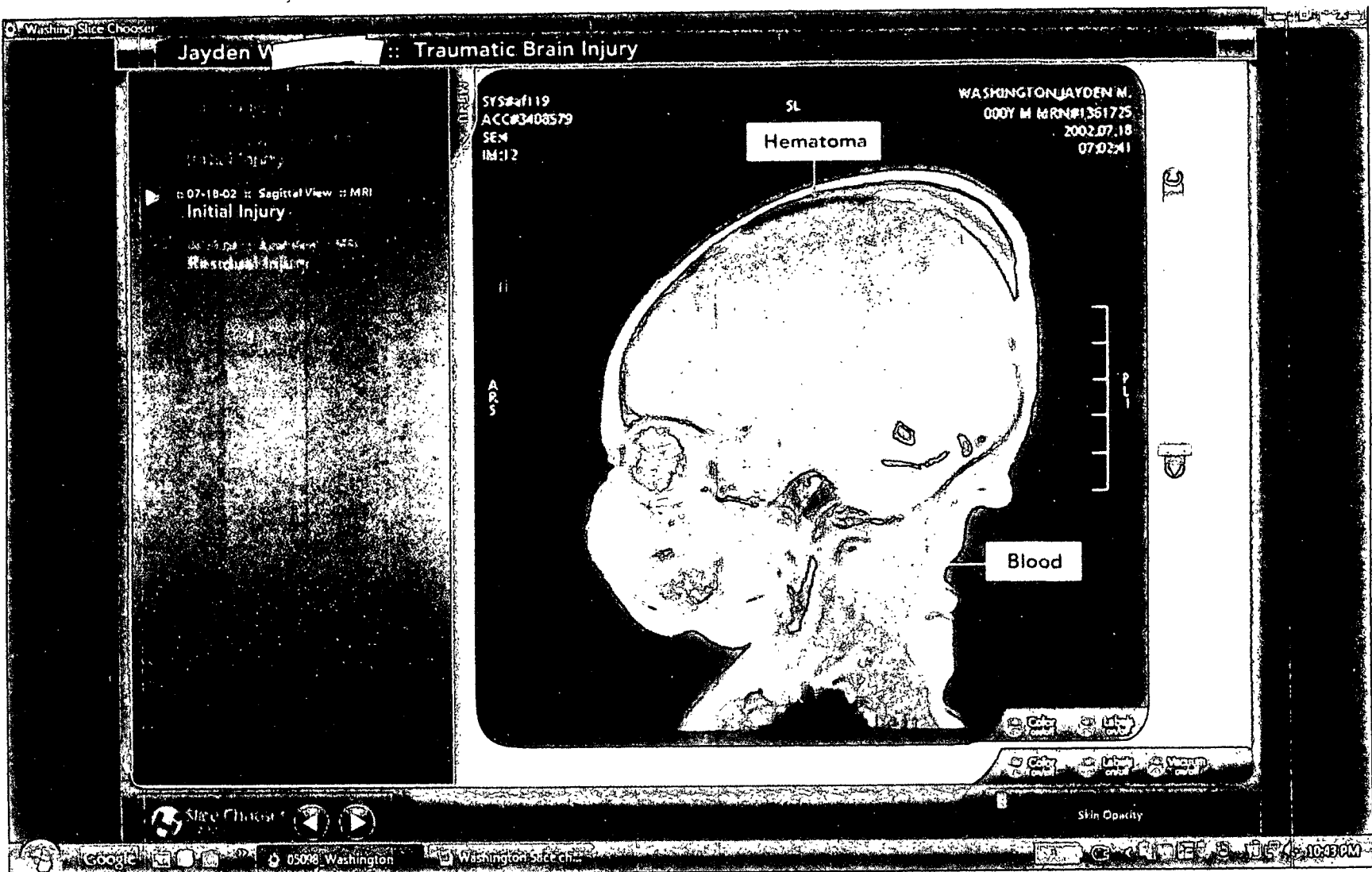
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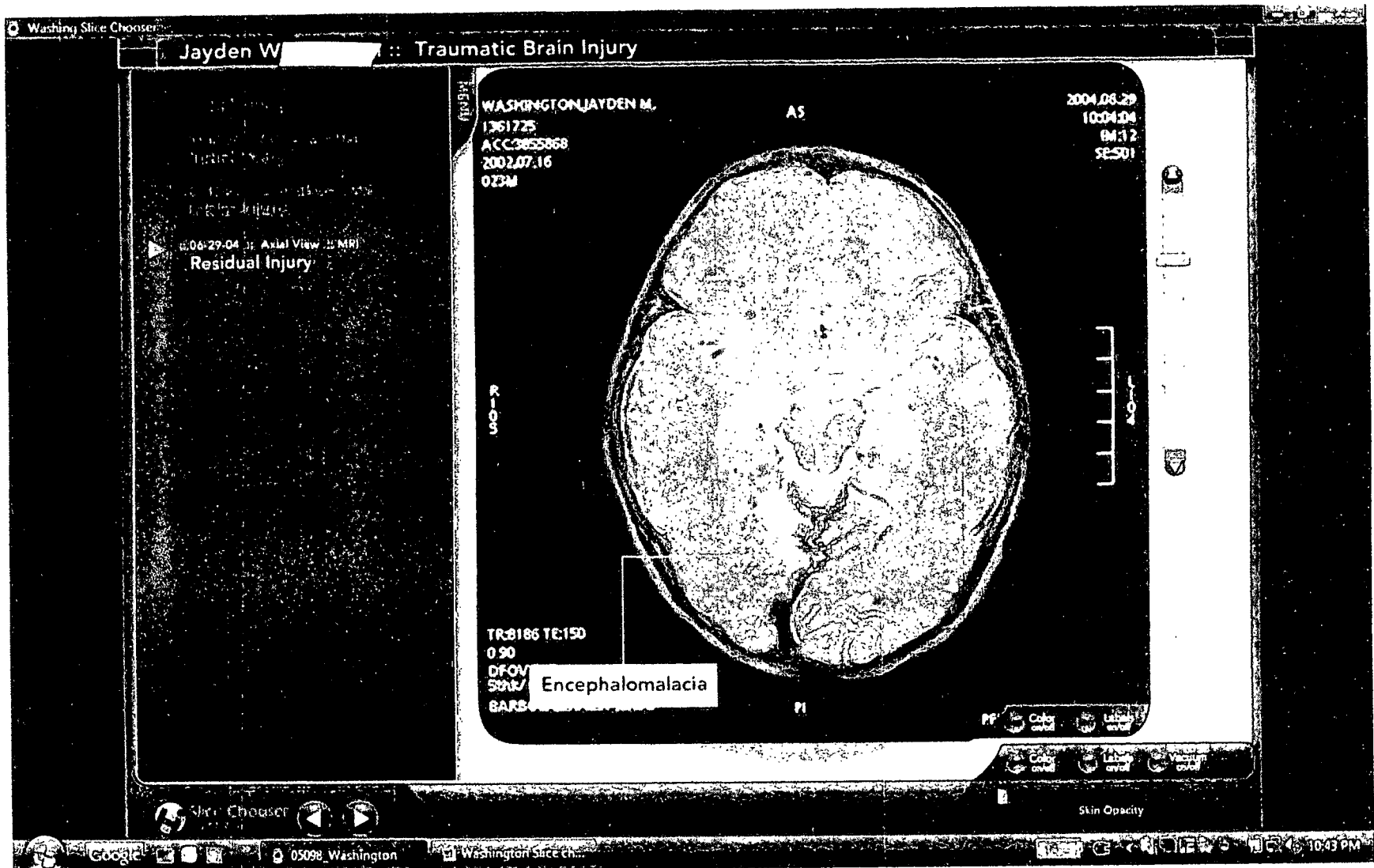
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ARS

Cerebellar Hematoma

Skin Opacity





Jayden Washington: Traumatic Brain Injury

06-29-04 :: Axial View :: MRI
Residual Injury

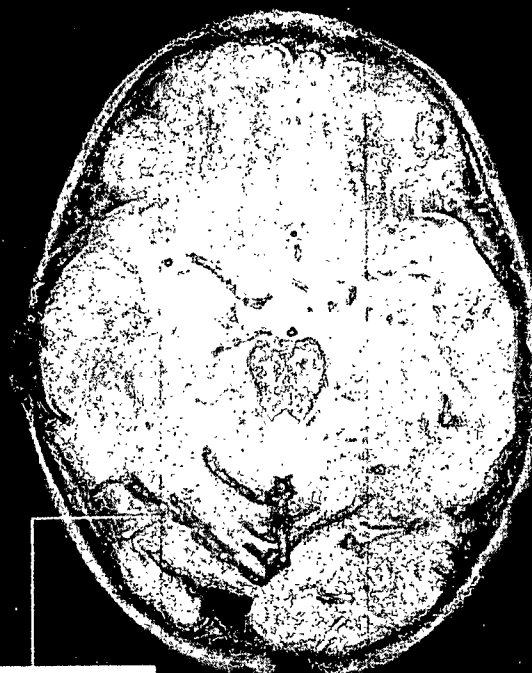
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Encephalomalacia

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Skin Opacity



Slice Chooser

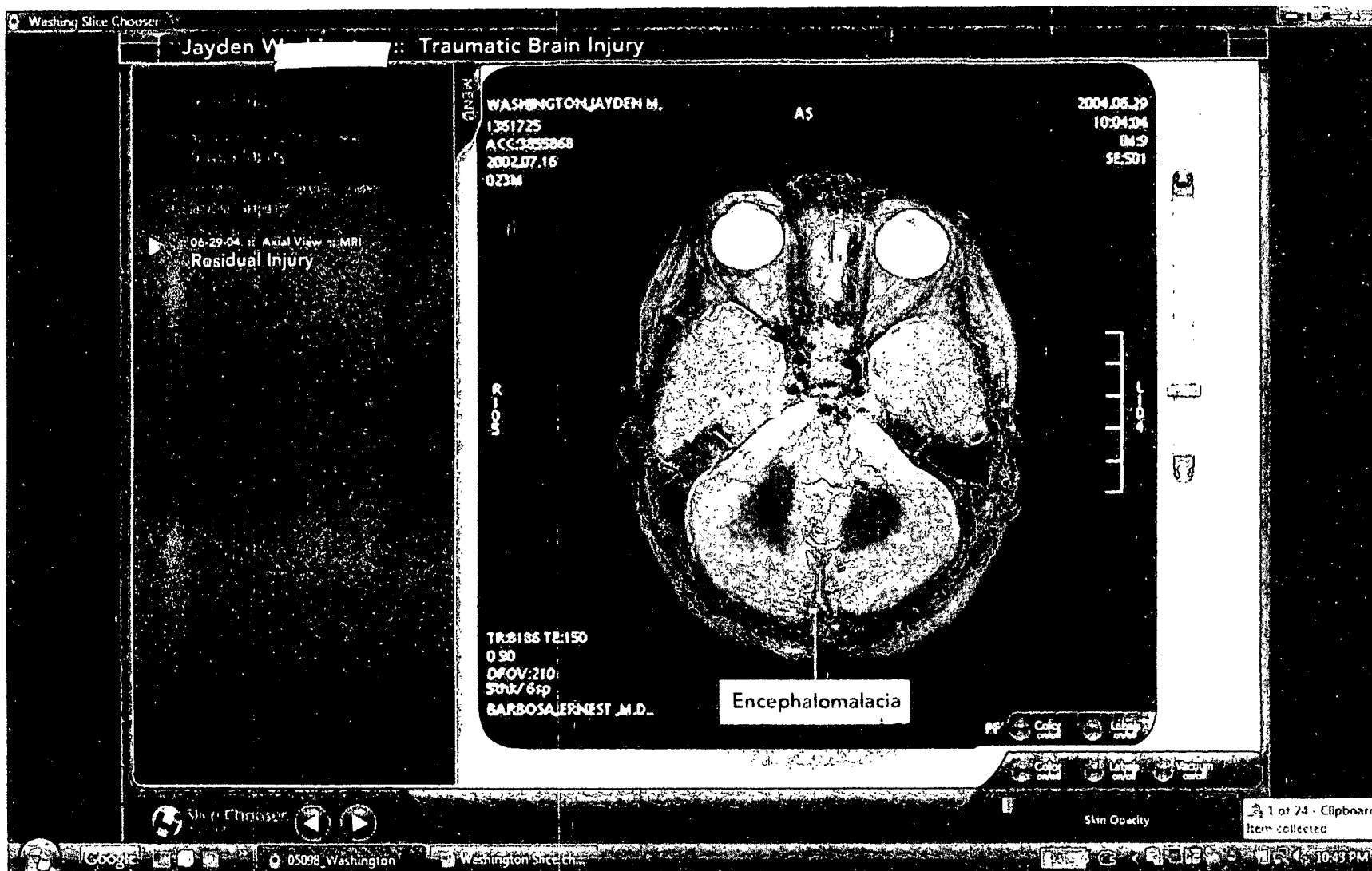


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Jayden Washington :: Traumatic Brain Injury

06-29-04 :: Axial View :: MRI
Residual Injury

AS

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ACC-3855868
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Encephalomalacia

Color on/off

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Skin Opacity

Slice Chooser



Google

05098 Washington

Washington Slice Chooser

10:43 PM

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON)

CIVIL ACTION NO. 07-CP-10-1553

Jamesatta Washington, as Guardian ad
Litem for Jayden W. , a minor,

Plaintiff,

v.

Edmund Rhett, Jr., M.D., Low Country
Obstetrics & Gynecology, P.A., Tenet
South Carolina, Inc., d/b/a East Cooper
Regional Medical Center,

Defendants.

STIPULATION OF EVIDENCE

FILED
2010 JUL 15 PM 3:44
JULIE J. ARMSTRONG
CLERK OF COURT

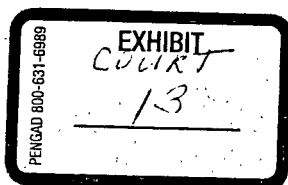
This is a medical negligence action in which the Plaintiff asserts certain acts and omissions of negligence arising out of the birth of her son, Jayden W. Edmund Rhett, M.D., delivered Jayden W. on July 16, 2002, at East Cooper Regional Medical Center, with the assistance of a vacuum extraction system. Through the course of the discovery process, the parties to this matter have determined that the vacuum extraction system used in Jayden W.'s delivery was manufactured by and comprised of the following components:

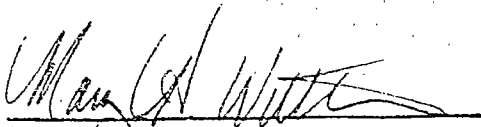
Utah Medical Products, Inc., CMI Vacuum Pump # 101A

Utah Medical Products, Inc., Tender Touch Silicone Bell-Shaped Vacuum Cup, #404TT

The parties agree that the above referenced vacuum extraction system is the system used in the delivery of Jayden W. and desire to codify their agreement with this Stipulation of Evidence. In doing so, each party agrees, affirms and consents that the above-referenced vacuum system was the system used in the delivery of Jayden W., and that no assertion of the use of other components, manufacturers, or systems in the delivery of Jayden W. will be made at the trial of this matter.

WE CONSENT:

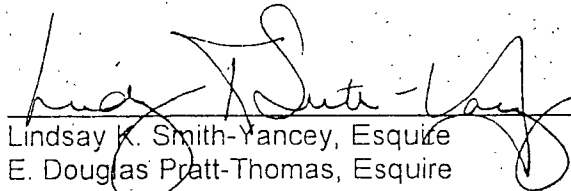




Edward L. Graham, Esquire
Mary H. Watters, Esquire
Graham Law Firm, P.A.
383 W. Cheves Street (29501)
P.O. Box 550
Florence, SC 29503
843-662-3281
Counsel for Plaintiff

(STIPULATION OF EVIDENCE)

WE CONSENT:



Lindsay K. Smith-Yancey, Esquire
E. Douglas Pratt-Thomas, Esquire

Pratt-Thomas Walker, P.A.

P.O. Drawer 22247

Charleston, SC 29413-2247

843-727-2211

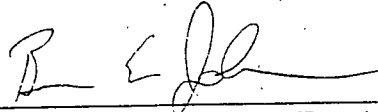
Counsel for Defendants Tenet South Carolina, Inc.,

East Cooper Regional Medical Center and East Cooper

Community Hospital, Inc.

(STIPULATION OF EVIDENCE)

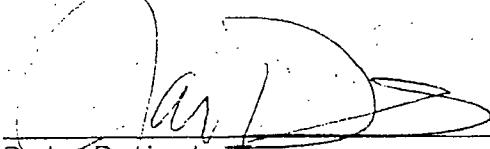
WE CONSENT:

 (SC # 26103)

for Chilton Grace Simmons, Esquire
Molly H. Craig, Esquire
Hood Law Firm, LLC
172 Meeting Street
Post Office Box 1508
Charleston, SC 29402
843-577-1219
Counsel for Defendant Edmund Rhett, Jr., M.D.

(STIPULATION OF EVIDENCE)

WE CONSENT:



D. Jay Davis, Jr., Esquire
James E. Scott, IV, Esquire
Young Clement Rivers
28 Broad Street
P.O. Box 993
Charleston, SC 29402
843-577-4000

Counsel for Defendant Low Country Obstetrics & Gynecology, P.A.

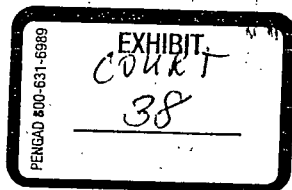
(STIPULATION OF EVIDENCE)

OPINIONS REGARDING TREATMENT

The mere fact that the Plaintiff's expert witness may use a different approach in treating a patient is not considered a deviation by this Defendant physician from the recognized standard of medical care. Nor is this standard violated because an expert disagrees with this Defendant physician as to what is the best or better approach in treating a patient. Medicine is an *inexact* science, and eminently qualified physicians may differ as to what constitutes a preferable course of treatment. Such differences as to preference do not amount to malpractice.

Todd v. United States, 570 F.Supp. 670, 677 (D.S.C. 1983)

quoting Fitzgerald v. Manning, 679 F.2d 341 (4th Cir. 1982)



NEGLIGENCE NOT PRESUMED

Negligence on the part of a physician is not presumed, but must be affirmatively proved. The burden of proof is on the Plaintiff to prove the case by the preponderance or the greater weight of the evidence. In the absence of evidence to the contrary, it will be presumed that a physician has discharged his duty to the patient.

Ellis v. U.S., 484 F.Supp. 4 (S.C. 1978);

Bessinger v. DeLoach, 230 S.C. 1, 94 S.E.2d. 3 (1956)

PRESUMPTION OF ORDINARY SKILL

There is a presumption that medical or surgical services were performed in an ordinarily skillful manner and the Plaintiff bears the burden of proving by the greater weight or preponderance of the evidence the failure of the exercise of due care and skill.

Shea v. Phillips, 213 Ga. 269, 98 S.E.2d 552 (1957)

Fountain v. Cobb General Hospital, 167 Ga. App. 36, 306 S.E.2d 37 (1983)

Evans v. DeKalb County Hospital Authority, 154 Ga. App. 17, 267 S.E.2d 319 (1980)

**PHYSICIAN NOT GUARANTOR OF CORRECTNESS
OR SAFETY OF TREATMENT**

A qualified physician or surgeon does not guarantee or insure the correctness or safety of his treatment, and ordinarily he is not responsible for any adverse consequences of treatment if he uses the requisite degree of skill and care. Generally stated, a qualified physician or surgeon is not liable for an error or mistake in judgment if he applies ordinary and reasonable skill and care, keeps within recognized and approved methods, and forms his judgment after a careful and proper examination or investigation, in light of the knowledge possessed by the medical profession at the time he renders the services. He is not charged with the duty of omniscience and ordinarily is not an insurer. In order to afford a basis for an action for malpractice, the want of skill or care must be proven by a preponderance of the evidence and must also be the proximate cause of the injury to or death of the patient.

Hook v. Rothstein, 281 S.C. 541, 316 S.E.2d 690 (S.C. App. 1984), cert. den. 283 S.C. 64, 320 S.E.2d 35 (S.C. 1984)

COMPARATIVE NEGLIGENCE

The Defendants claim that the Plaintiff's own negligence proximately caused the Plaintiff's injuries. If you find that the Defendants were negligent, you must then decide whether the Plaintiff was negligent. The Defendants must prove by a preponderance, or greater weight, of the evidence that the Plaintiff breached a duty of care which proximately caused the Plaintiff's injuries. The same law which I have told you to use in deciding whether the Defendants were negligent should be used in deciding whether the Plaintiff was negligent.

F. Patrick Hubbard & Robert L. Felix, *Comparative Negligence in South Carolina: Implementing Nelson v. Concrete Supply Co.*, 43 S.C.L.Rev. 273 (1992).

INTERVENING NEGLIGENCE OF THIRD PARTY

The chain of causation between this Defendant's negligence and the injury may be broken by the independent intervening acts or omissions of another person over whom this Defendant has no control. In order to decide whether an intervening act breaks the chain of causation, you must determine whether the intervening act or omission was reasonably foreseeable by this Defendant. If the intervening act or omission was a probable consequence of this Defendant's negligence, this Defendant is responsible for the Plaintiff's injury.

If, however, you find that the intervening act or omission was not foreseeable, this Defendant is not liable unless their actions alone would have caused the Plaintiff's injury even without the intervening act or omission.

Young v. Tide Craft, Inc., 270 S.C. 453, 242 S.E.2d 671 (1978).

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Jamesetta Washington, as Guardian ad
Litem for Jayden Washington, a minor,

Plaintiffs,

vs.

Edmund Rhett, Jr., M.D., Low Country
Obstetrics & Gynecology, P.A., Tenet
South Carolina, Inc., d/b/a East Cooper
Regional Medical Center,

Defendants.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NUMBER: 2007-CP-10-1553

PLAINTIFF'S REQUEST
TO CHARGE # 12



B. Emergency Situation

Informed consent is not required in an emergency situation because consent to a serious emergency operation may be implied. However, a physician must respect a competent patient's refusal of treatment, even in an emergency. If a competent patient refuses treatment, any medical treatment is a battery, even in an emergency.

Even under the emergency exception to the informed consent doctrine, a physician should seek the consent of the patient, or, if the patient is incapable of providing consent, the consent of a family member, before administering treatment. Impracticability of conferring with the patient is a prerequisite to dispensing with informed consent under the emergency exception.

- See *Harvey v. Strickland*, Op. No. 25491 (S.C. Sup. Ct. filed July 1, 2002) (Shearouse Adv. Sh. No. 22 at 49); S.C. Code Ann. § 44-66-60 (Rev. 2002); 61 Am. Jur. 2d *Physicians, Surgeons, and other Healers* § 157 (2002); 61 Am. Jur. 2d *Physicians, Surgeons, and other Healers* § 167 (2002); 61 Am. Jur. 2d *Physicians, Surgeons, and other Healers* § 176 (2002) (physician's duty to disclose is suspended if emergency of such gravity and urgency exists that it is impractical to obtain patient's consent, in which case consent is implied).

The New England Journal of Medicine

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VOLUME 341

DECEMBER 2, 1999

NUMBER 23



EFFECT OF MODE OF DELIVERY IN NULLIPAROUS WOMEN ON NEONATAL INTRACRANIAL INJURY

DENA TOWNER, M.D., MARY AMES CASTRO, M.D., ELAINE EBY-WILKENS, B.S., AND WILLIAM M. GILBERT, M.D.

ABSTRACT

Background Infants delivered by vacuum extraction or other operative techniques may be more likely to sustain major injuries than those delivered spontaneously, but the extent of the risk is unknown.

Methods From a California data base, we identified 583,340 live-born singleton infants born to nulliparous women between 1992 and 1994 and weighing between 2500 and 4000 g. One third of the infants were delivered by operative techniques. We evaluated the relation between the mode of delivery and morbidity in the infants.

Results Intracranial hemorrhage occurred in 1 of 860 infants delivered by vacuum extraction, 1 of 664 delivered with the use of forceps, 1 of 907 delivered by cesarean section during labor, 1 of 2750 delivered by cesarean section with no labor, and 1 of 1900 delivered spontaneously. As compared with the infants delivered spontaneously, those delivered by vacuum extraction had a significantly higher rate of subdural or cerebral hemorrhage (odds ratio, 2.7; 95 percent confidence interval, 1.9 to 3.9), as did the infants delivered with the use of forceps (odds ratio, 3.4; 95 percent confidence interval, 1.9 to 5.9) or cesarean section during labor (odds ratio, 2.5; 95 percent confidence interval, 1.8 to 3.4), but the rate of subdural or cerebral hemorrhage associated with vacuum extraction did not differ significantly from that associated with forceps use (odds ratio for the comparison with vacuum extraction, 1.2; 95 percent confidence interval, 0.7 to 2.2) or cesarean section during labor (odds ratio, 0.9; 95 percent confidence interval, 0.6 to 1.4).

Conclusions The rate of intracranial hemorrhage is higher among infants delivered by vacuum extraction, forceps, or cesarean section during labor than among infants delivered spontaneously, but the rate among infants delivered by cesarean section before labor is not higher, suggesting that the common risk factor for hemorrhage is abnormal labor. (N Engl J Med 1999; 341:1709-14.)

©1999, Massachusetts Medical Society.

FIVE to 25 percent of nulliparous pregnant women have operative vaginal delivery.¹ Although forceps have been used in obstetrics since the early 19th century, vacuum extraction was not widely used until the 1950s. The popularity of vacuum extraction has steadily increased with the development of newer vacuum cups; from 1985 to 1992, there was a 37 percent increase in the use of vacuum extraction and a 22 percent decline in the use of forceps in the United States.²

The risk of serious neonatal injury associated with vacuum extraction has been controversial. Multiple studies have demonstrated the safety of soft vacuum extractors as compared with either metal vacuum extractors or forceps. Despite the alleged safety of vacuum extraction, it can result in major fetal trauma ranging from brachial plexus injury as a result of shoulder dystocia³ to scalp injuries^{4,5} and intracranial hemorrhage, including tentorial tears with hemorrhage and skull fractures with hemorrhage.⁶⁻¹² In particular, subgaleal hemorrhage has been strongly associated with vacuum extraction.¹³⁻¹⁶ The Food and Drug Administration recently released a Public Health Advisory, citing a quintupling of the rate of serious neonatal events associated with vacuum extraction in the past 4 years, as compared with the previous 11 years.¹⁷ We studied a large number of nulliparous women in order to determine the incidence of rare neonatal disorders and their association with various modes of delivery, particularly vacuum extraction.

METHODS

We used a data base from the Health Information for Policy Project that links birth and death certificates in California with

From the Department of Obstetrics and Gynecology, Division of Maternal-Fetal Medicine, University of California Davis Medical Center, Sacramento, Calif. (D.T., E.E.-W., W.M.G.); and the Department of Obstetrics and Gynecology, Harvard Medical School and Massachusetts General Hospital, Boston (M.A.C.). Address reprint requests to Dr. Towner at the Department of Obstetrics and Gynecology, UC Davis, 4860 Y St., Suite 2500, Sacramento, CA 95817, or at drtowner@ucdavis.edu.

TABLE 1. SINGLETON INFANTS BORN TO NULLIPAROUS WOMEN IN CALIFORNIA BETWEEN 1992 AND 1994, ACCORDING TO THE MODE OF DELIVERY.*

YEAR	SPONTANEOUS DELIVERY	VACUUM EXTRACTION	CESAREAN SECTION	FORCEPS DELIVERY	VACUUM EXTRACTION AND FORCEPS DELIVERY	TOTAL
number of infants (percent)						
1992	133,486 (66.3)	18,667 (9.3)	41,502 (20.6)	6,519 (3.2)	1105 (0.5)	201,279
1993	128,737 (66.6)	19,499 (10.1)	39,235 (20.3)	4,948 (2.6)	920 (0.5)	193,339
1994	125,576 (66.5)	21,188 (11.2)	36,688 (19.4)	4,478 (2.4)	792 (0.4)	188,722
Total	387,799 (66.5)	59,354 (10.2)	117,425 (20.1)	15,945 (2.7)	2817 (0.5)	583,340

*Data are restricted to live-born infants weighing 2500 to 4000 g.

maternal and neonatal hospital-discharge records for the 328 civilian hospitals that report to the Office of State Health Planning and Development. The data base includes 98 percent of all births in the state. The clinical information in the data base is limited to data entered on birth certificates, death certificates, and *International Classification of Diseases, 9th Revision* (ICD-9) diagnostic codes and *Current Procedural Terminology* (CPT) procedural codes abstracted from the mother's and infant's discharge summaries. The study was approved by the institutional review board of the Office of State Health Planning and Development.

We studied all live-born singleton neonates born to nulliparous women between January 1, 1992, and December 31, 1994, and weighing between 2500 and 4000 g. Only nulliparous women were studied because they have an increased incidence of operative delivery. Vaginal breech deliveries were excluded. Neonates were grouped according to the mode of delivery: 387,799 infants were delivered spontaneously, 59,354 by vacuum extraction, 117,425 by cesarean delivery, 15,945 with use of forceps, and 2817 by combined use of forceps and vacuum extraction. The type of vacuum cup or forceps could not be determined because of the nature of the data base. Of the women who had cesarean deliveries, 84,417 were in labor at the time of delivery and 33,008 were not, according to the ICD-9 or CPT code. In 2342 of the women who were in labor when the cesarean delivery was performed, an attempt at operative vaginal delivery had been unsuccessful; in 82,075 women, cesarean delivery was performed during labor without an attempt at operative vaginal delivery.

ICD-9 and CPT codes for conditions reflecting major neonatal morbidity were determined from the discharge records for the infants. Codes for subdural or cerebral hemorrhage, intraventricular hemorrhage, subarachnoid hemorrhage, facial-nerve injury, and brachial plexus injury were considered to be direct indicators of major injury. Codes for convulsions, central nervous system depression, difficulty with feeding, and mechanical ventilation were considered to be indirect indicators of injury. Data on deaths of infants before discharge were included in the analysis.

The data were analyzed with the chi-square test or Fisher's exact test, and odds ratios with 95 percent confidence intervals were calculated. All statistical tests were two-sided.

RESULTS

There were 583,340 deliveries that met the study criteria. The distribution of infants according to the type of delivery is shown in Table 1. For all three years of the study, about one third of the women had operative deliveries.

Death before discharge occurred in 0.2 per 1000 infants delivered spontaneously, 0.3 per 1000 deliv-

ered by vacuum extraction, 0.5 per 1000 delivered with the use of forceps, 0.6 per 1000 delivered with the use of vacuum extraction and forceps combined, and 0.8 per 1000 delivered by cesarean section. The death rate did not differ significantly between infants delivered spontaneously and those delivered by vacuum extraction (odds ratio for the comparison with spontaneous delivery, 1.5; 95 percent confidence interval, 0.8 to 2.8), forceps delivery (odds ratio, 1.9; 95 percent confidence interval, 0.6 to 5.4), or vacuum extraction combined with forceps delivery (odds ratio, 2.6; 95 percent confidence interval, 0.4 to 5.4). Significantly more deaths occurred among infants delivered by cesarean section than among those delivered spontaneously (odds ratio, 3.7; 95 percent confidence interval, 2.6 to 5.4). The death rate was the same for infants born by cesarean delivery during labor and for those born by cesarean delivery with no labor (0.8 per 1000).

Vacuum Extraction

As compared with infants born by spontaneous vaginal delivery, those delivered by vacuum extraction had significantly higher rates of subdural or cerebral hemorrhage, brachial plexus injury, convulsions, central nervous system depression, and mechanical ventilation, but the rates of intraventricular hemorrhage, subarachnoid hemorrhage, facial-nerve injury, and feeding difficulty did not differ significantly between the two groups of infants (Table 2). Even though vacuum extraction was significantly associated with major morbidity, the absolute risk of morbidity was low. Intracranial hemorrhage (subdural, cerebral, intraventricular, or subarachnoid) occurred in 1 of every 860 infants delivered by vacuum extraction, as compared with 1 of 1900 delivered spontaneously (odds ratio, 2.2; 95 percent confidence interval, 1.7 to 2.9).

Forceps Delivery

Infants delivered with the use of forceps had significantly higher rates of subdural or cerebral hem-

EFFECT OF MODE OF DELIVERY IN NULLIPAROUS WOMEN ON NEONATAL INTRACRANIAL INJURY

TABLE 2. INCIDENCE OF MAJOR NEONATAL MORBIDITY AND RISK ASSOCIATED WITH OPERATIVE PROCEDURES AS COMPARED WITH SPONTANEOUS DELIVERY.*

CONDITION	SPONTANEOUS (N=387,799)		VACUUM (N=59,354)		FORCEPS (N=15,945)		VACUUM AND FORCEPS (N=2817)	
	Incidence		Incidence	Odds Ratio	Incidence	Odds Ratio	Incidence	Odds Ratio
Subdural or cerebral hemorrhage	2.9		8.0	2.7 (1.9-3.9)	9.8	3.4 (1.9-5.9)	21.3	7.3 (2.9-17.2)
Intraventricular hemorrhage	1.1		1.5	1.4 (0.7-3.0)	2.6	2.5 (0.9-6.9)	3.7	3.5 (1.5-25.2)
Subarachnoid hemorrhage	1.3		2.2	1.7 (0.9-3.2)	3.3	2.5 (0.9-6.6)	10.7	8.2 (2.1-27.4)
Facial-nerve injury	3.3		4.6	1.7 (0.9-2.1)	45.4	13.6 (10.0-18.4)	28.5	8.5 (3.9-18.0)
Brachial plexus injury	7.7		17.6	2.3 (1.8-2.9)	25.0	3.2 (2.3-4.6)	46.4	6.0 (3.3-10.7)
Convulsions	6.4		11.7	1.8 (1.4-2.4)	9.8	1.6 (0.9-2.7)	24.9	3.9 (1.7-8.6)
CNS depression	3.1		9.2	2.9 (2.1-4.1)	5.2	1.4 (0.6-2.8)	21.3	6.9 (2.7-16.2)
Feeding difficulty	68.5		72.1	1.1 (1.0-1.2)	74.6	1.1 (0.9-1.3)	60.7	0.9 (0.5-1.5)
Mechanical ventilation	25.8		39.1	1.5 (1.3-1.8)	45.4	1.8 (1.4-2.3)	50.0	1.9 (1.1-3.4)

	TOTAL (N=117,425)		DURING LABOR (N=84,417)		DURING LABOR, FAILED VAGINAL DELIVERY (N=2342)†		DURING LABOR, NO ATTEMPT AT VAGINAL DELIVERY (N=82,075)†		NO LABOR (N=33,008)	
	Incidence	Odds Ratio	Incidence	Odds Ratio	Incidence	Odds Ratio	Incidence	Odds Ratio	Incidence	Odds Ratio
Subdural or cerebral hemorrhage	6.7	2.3 (1.7-3.1)	7.4	2.5 (1.8-3.4)	25.7	8.8 (3.9-19.9)	6.8	2.3 (1.7-3.2)	4.1	1.4 (0.8-2.6)
Intraventricular hemorrhage	2.1	2.0 (1.2-3.3)	2.5	2.3 (1.4-4.0)	0.0	0.0 (0.0-1.1)	2.6	2.4 (1.4-4.1)	0.8	0.6 (0.1-2.5)
Subarachnoid hemorrhage	0.9	0.7 (0.4-1.4)	1.2	0.9 (0.4-1.9)	4.3	3.3 (0.5-23.9)	1.1	0.9 (0.4-1.7)	0.0	0.0 (0.0-19.7)
Facial-nerve injury	3.5	1.1 (0.7-1.5)	3.1	0.9 (0.6-1.4)	12.8	3.8 (1.2-12.1)	2.8	0.8 (0.5-1.3)	4.9	1.5 (0.8-2.6)
Brachial plexus injury	3.0	0.4 (0.3-0.5)	1.8	0.2 (0.1-0.4)	8.6	1.1 (0.3-4.4)	1.6	0.2 (0.1-0.4)	4.1	0.5 (0.3-1.0)
Convulsions	18.7	2.9 (2.4-3.6)	21.3	3.3 (2.8-4.1)	68.8	10.8 (6.5-17.8)	19.9	3.1 (2.6-3.8)	8.6	1.4 (0.9-2.1)
CNS depression	8.9	2.9 (2.2-3.7)	9.6	3.1 (2.3-4.1)	17.1	5.5 (1.7-15.5)	9.4	3.0 (2.3-4.0)	6.7	2.2 (1.3-3.6)
Feeding difficulty	114.7	1.7 (1.6-1.8)	117.2	1.7 (1.6-1.8)	94.8	1.4 (0.9-2.1)	117.9	1.7 (1.6-1.8)	106.3	1.6 (1.4-1.8)
Mechanical ventilation	96.0	3.7 (3.4-4.1)	103.2	4.0 (3.6-4.3)	156.1	6.0 (4.3-8.3)	101.7	2.6 (2.2-3.0)	71.3	2.8 (2.4-3.3)

*The incidence is expressed as the number of cases per 10,000 infants. Numbers in parentheses are 95 percent confidence intervals. CNS denotes central nervous system.

†Vaginal delivery refers to delivery with the use of vacuum extraction, forceps, or both.

orrhage, facial-nerve injury, brachial plexus injury, and mechanical ventilation than did infants delivered spontaneously (Table 2). As compared with vacuum extraction, forceps delivery was significantly associated only with facial-nerve injury (Table 3). Intracranial hemorrhage was significantly more frequent in infants delivered with the use of forceps (1 of every 664) than in those delivered spontaneously (odds ratio, 2.9; 95 percent confidence interval, 1.8 to 4.4), but the incidence in infants delivered with the use of forceps did not differ significantly from that in infants delivered by vacuum extraction (odds ratio, 1.3; 95 percent confidence interval, 0.8 to 2.1).

Vacuum Extraction and Forceps Delivery

As compared with spontaneous delivery, vacuum extraction combined with forceps delivery was associated with significantly higher rates of subdural or cerebral hemorrhage, intraventricular hemorrhage, sub-

arachnoid hemorrhage, facial-nerve injury, brachial plexus injury, convulsions, central nervous system depression, and mechanical ventilation (Table 2). The combination of vacuum extraction and forceps delivery was associated with significantly higher rates of subdural or cerebral hemorrhage, subarachnoid hemorrhage, facial-nerve injury, and brachial plexus injury than was vacuum extraction alone (Table 3). Intracranial hemorrhage occurred in 1 of every 256 infants delivered by vacuum extraction with forceps delivery, a rate that was 7.4 times (95 percent confidence interval, 3.9 to 14.0) the rate associated with spontaneous delivery and 3.4 times (95 percent confidence interval, 1.7 to 6.6) that associated with vacuum extraction alone.

Cesarean Delivery

As compared with spontaneous delivery, cesarean delivery was associated with significantly higher rates

TABLE 3. INCIDENCE OF MAJOR NEONATAL MORBIDITY AND RISK ASSOCIATED WITH OTHER OPERATIVE PROCEDURES AS COMPARED WITH VACUUM EXTRACTION.*

CONDITION	VACUUM (N=59,354)		FORCEPS (N=15,945)		VACUUM AND FORCEPS (N=2817)	
	Incidence		Incidence	Odds Ratio	Incidence	Odds Ratio
Subdural or cerebral hemorrhage	8.0		9.8	1.2 (0.7-2.2)	21.3	2.7 (1.2-6.3)
Intraventricular hemorrhage	1.5		2.6	1.7 (0.5-5.6)	3.7	2.4 (0.3-19.1)
Subarachnoid hemorrhage	2.2		3.3	1.5 (0.5-4.2)	10.7	4.8 (1.4-20.0)
Facial-nerve injury	4.6		45.4	9.9 (6.3-15.4)	28.5	6.2 (2.8-13.7)
Brachial plexus injury	17.6		24.9	1.4 (1.0-2.1)	46.4	2.6 (1.4-4.8)
Convulsions	11.7		9.8	0.8 (0.5-1.5)	24.9	2.1 (1.0-4.6)
CNS depression	9.2		5.2	0.6 (0.3-1.2)	21.3	2.3 (1.0-5.4)
Feeding difficulty	72.1		74.6	1.0 (0.8-1.3)	60.7	0.8 (0.5-1.4)
Mechanical ventilation	39.1		45.4	1.2 (0.9-1.5)	50.0	1.3 (0.8-2.2)

CESAREAN								
	DURING LABOR (N=84,417)		DURING LABOR, FAILED VAGINAL DELIVERY (N=2342)†		DURING LABOR, NO ATTEMPT AT VAGINAL DELIVERY (N=82,075)†		NO LABOR (N=33,008)	
	Incidence	Odds Ratio	Incidence	Odds Ratio	Incidence	Odds Ratio	Incidence	Odds Ratio
Subdural or cerebral hemorrhage	7.4	0.9 (0.6-1.4)	25.7	3.2 (1.4-7.5)	6.8	0.9 (0.6-1.3)	4.1	0.5 (0.3-1.0)
Intraventricular hemorrhage	2.5	1.6 (0.8-3.6)	0.0	0.0 (0.0-14.9)	2.6	1.7 (0.8-3.6)	0.8	0.3 (0.1-1.3)
Subarachnoid hemorrhage	1.2	0.5 (0.2-1.2)	4.3	1.9 (0.3-14.8)	1.1	0.5 (0.2-1.2)	0.0	0.0 (0.0-0.7)
Facial-nerve injury	3.1	0.7 (0.4-1.2)	12.8	2.8 (0.9-9.2)	2.8	0.6 (0.4-1.1)	4.9	1.1 (0.5-2.1)
Brachial plexus injury	1.8	0.1 (0.1-0.2)	8.6	0.5 (0.1-2.0)	1.6	0.1 (0.1-0.2)	4.1	0.2 (0.1-0.5)
Convulsions	21.3	1.8 (1.4-2.4)	68.8	5.9 (3.4-10.1)	19.9	1.7 (1.3-2.3)	8.6	0.7 (0.5-1.2)
CNS depression	9.6	1.1 (0.7-1.5)	17.1	1.9 (0.7-5.2)	9.4	1.0 (0.7-1.5)	6.7	0.7 (0.4-1.3)
Feeding difficulty	117.2	1.6 (1.4-1.8)	94.8	1.3 (0.9-2.1)	117.9	1.6 (1.5-1.8)	106.3	1.5 (1.3-1.7)
Mechanical ventilation	103.2	2.6 (2.3-3.0)	156.1	4.0 (2.8-5.6)	101.7	2.6 (2.2-3.0)	71.3	1.8 (1.5-2.2)

*The incidence is expressed as the number of cases per 10,000 infants. Numbers in parentheses are 95 percent confidence intervals. CNS denotes central nervous system.

†Vaginal delivery refers to delivery with the use of vacuum extraction, forceps, or both.

of subdural or cerebral hemorrhage, intraventricular hemorrhage, convulsions, central nervous system depression, feeding difficulty, and mechanical ventilation but a lower rate of brachial plexus injury (Table 2). Cesarean delivery performed during labor was associated with significantly higher rates of subdural or cerebral hemorrhage, intraventricular hemorrhage, convulsions, central nervous system depression, feeding difficulty, and mechanical ventilation than was spontaneous delivery (Table 2). As compared with vacuum extraction, cesarean delivery during labor was associated with significantly higher rates of convulsions, feeding difficulty, and mechanical ventilation but not with significantly higher rates of intracranial hemorrhage (Table 3). Intracranial hemorrhage occurred in 1 of every 907 infants born by cesarean delivery during labor, a rate that was 2.1 times (95 percent confidence interval, 1.6 to 2.7) the rate associated with spontaneous delivery but that did not differ significantly from the rate associated with vacuum extraction (odds ratio, 0.9; 95 percent confidence interval, 0.7 to 1.3) or forceps delivery (odds ratio, 0.7; 95 percent confidence interval, 0.4 to 1.1).

The rates of subdural or cerebral hemorrhage, facial-nerve injury, convulsions, central nervous system depression, and mechanical ventilation were significantly higher in infants delivered by cesarean section after a failed attempt at operative vaginal delivery (i.e., vacuum extraction, forceps delivery, or both) than in those delivered spontaneously (Table 2). As compared with vacuum extraction, cesarean delivery after a failed attempt at operative vaginal delivery was associated with significantly higher rates of subdural or cerebral hemorrhage, convulsions, and mechanical ventilation (Table 3). Intracranial hemorrhage occurred in 1 of every 334 infants delivered by cesarean section after a failed attempt at operative vaginal delivery, a rate that was 5.7 times (95 percent confidence interval, 2.5 to 12.5) the rate associated with spontaneous delivery, 2.6 times (95 percent confidence interval, 1.1 to 5.8) that associated with vacuum extraction, and 2.9 times (95 percent confidence interval, 1.2 to 6.4) that associated with cesarean delivery during labor with no attempt at operative vaginal delivery.

As compared with spontaneous delivery, cesarean delivery during labor with no attempt at operative vag-

inal delivery was associated with significantly higher rates of subdural or cerebral hemorrhage, intraventricular hemorrhage, convulsions, central nervous system depression, feeding difficulty, and mechanical ventilation (Table 2). Infants delivered by cesarean section during labor with no attempt at operative vaginal delivery had significantly higher rates of convulsions, feeding difficulty, and mechanical ventilation than did infants delivered by vacuum extraction (Table 3). Intracranial hemorrhage occurred in 1 of every 954 infants delivered by cesarean section during labor with no attempt at operative vaginal delivery, a rate that was 2.0 times (95 percent confidence interval, 1.5 to 2.6) the rate associated with spontaneous delivery but no higher than that associated with vacuum extraction (odds ratio, 0.9; 95 percent confidence interval, 0.7 to 1.3).

Infants delivered by cesarean section with no labor had significantly higher rates of central nervous system depression, feeding difficulty, and mechanical ventilation than did infants delivered spontaneously (Table 2). Intracranial hemorrhage occurred in 1 of every 2750 infants delivered by cesarean section with no labor, a rate that did not differ significantly from the rate associated with spontaneous delivery (odds ratio, 0.7; 95 percent confidence interval, 0.4 to 1.3) but that was significantly lower than the rates associated with vacuum extraction (odds ratio, 0.3; 95 percent confidence interval, 0.2 to 0.6), forceps delivery (odds ratio, 0.2; 95 percent confidence interval, 0.1 to 0.5), and cesarean delivery during labor (odds ratio, 0.3; 95 percent confidence interval, 0.2 to 0.6).

DISCUSSION

We found that the rates of intracranial hemorrhage were low with all modes of delivery but were higher with vacuum extraction, forceps delivery, and cesarean delivery during labor than with spontaneous vaginal delivery. The rates for the three types of operative delivery were similar. There was an incremental increase in the rate of intracranial hemorrhage if more than one method of delivery was used. The frequency of intracranial hemorrhage in infants born by cesarean delivery during labor with no attempt at operative vaginal delivery did not differ significantly from the frequency in infants born by operative vaginal delivery, and the frequency of hemorrhage was similar in infants born by cesarean delivery with no labor and those delivered spontaneously. These findings suggest that the method of delivery is not necessarily the primary factor associated with intracranial hemorrhage.

In a 1979 review of 15 studies involving a total of 7124 infants delivered by vacuum extraction with the Malmström extractor, the incidence of intracranial hemorrhage was 1 in 286 infants.¹² This rate is three times the rate in our study (1 in 860), probably be-

cause of the use of the metal Malmström cup, the longer period of neonatal observation (since maternal hospitalizations were longer), or the lower rate of cesarean delivery for fetal indications in the earlier era. The rate of intracranial hemorrhage decreased after the introduction of plastic cups for vacuum extraction. Since 1989, seven studies involving a total of 1265 infants have reported no intracranial hemorrhages,¹⁸⁻²⁴ findings that are consistent with the incidence of less than 1 percent in our study.

We are unaware of any study that has conclusively demonstrated that vacuum extraction is safer than forceps delivery or vice versa. In our study, the only substantial difference between them was that forceps delivery was associated with a higher rate of facial-nerve injury. This injury is caused by the pressure of the forceps blade on the facial nerve, and it is usually transient.

Since both vacuum extraction and forceps delivery involve placing an instrument on the head of the fetus, one would intuitively think that intracranial hemorrhage could be associated with vacuum extraction or forceps delivery but not with cesarean delivery. However, our study showed that cesarean delivery performed during labor, with or without a previous attempt at operative vaginal delivery, was associated with a higher rate of intracranial hemorrhage than was spontaneous vaginal delivery, whereas the rate of hemorrhage associated with cesarean delivery without labor did not differ significantly from the rate associated with spontaneous delivery.

Since cesarean delivery during labor was associated with increased rates of intracranial hemorrhage and other complications, a substantial proportion of the morbidity associated with operative vaginal delivery may be due to an underlying abnormality of labor rather than to the procedure. Most cesarean deliveries in nulliparous women are performed because of an arrest of labor, and operative vaginal deliveries are often performed after a long second stage of labor. Thus, the underlying risk factor may be a long, dysfunctional labor. Another confounding factor may be the position of the fetal head in the maternal pelvis. Operative delivery is often required when the head of the fetus is not descending through the pelvis correctly, because of either an oblique position or poor flexion. Thus, an intracranial injury associated with any type of operative delivery may be due to dysfunctional labor rather than to the operative intervention.

A strength of our study is that the data reflect the experience and skills of many practitioners. The results indicate that vacuum extraction and forceps delivery are associated with an irreducible component of morbidity among infants of normal birth weight, because the rate of intracranial injuries was not significantly lower in infants born by cesarean delivery during labor than in those delivered by vacuum extraction or with use of forceps. Other strengths are

the large size of the study and the accuracy of the data on discharge diagnoses in California, which are continuously reviewed and validated by the state.²⁵ Likewise, California birth certificates have been found to contain valid information.²⁶

The limitations of our study are those inherent in a retrospective analysis. Without a systematic study of all infants, injuries may have been missed. We could not document readmissions due to injuries and may therefore have underestimated the true incidence of injuries. Since the study was limited to California, regional and perhaps other demographic factors may have affected the results. However, California is a diverse state, and deliveries in California account for 15 percent of all the deliveries in the United States. A major limitation is that risk factors for injury cannot be further identified, because the data base does not contain information about the indications for operative delivery, such as the duration of labor and the position of the fetal head. In the absence of this information and in view of clinicians' individual preferences in choosing the mode of delivery, the study groups may not be comparable, and the differences in morbidity therefore cannot necessarily be attributed to the mode of delivery.

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STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Jamesetta Washington, as Guardian ad
Litem for Jayden W , a minor,

Plaintiffs,

vs.

Edmund Rhett, Jr., M.D., Low Country
Obstetrics & Gynecology, P.A., Tenet
South Carolina, Inc., d/b/a East Cooper
Regional Medical Center,

Defendants.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NUMBER: 2007-CP-10-1553

**PLAINTIFF'S REQUESTS FOR
VOIR DIRE**

In voir dire, Plaintiff requests the Court to ask the following questions of the jury, in addition to the customary questions asked by the Court:

1. Have you or any member of your family, by blood or marriage, ever been represented by Ed Graham, Mary Watters or the Graham Law Firm, or been employed by that firm? If so, please stand.
2. Have you or any of your family, by blood or marriage, ever been represented by Jay Davis, James E. Scott, IV or any attorney in the law firm of Young Clement Rivers, LLP or been employed by that firm? If so, please stand.
3. Have you or any of your family, by blood or marriage, ever been represented by Chilton Simmons, Barbara Showers, Molly Craig, Bobby Hood or any attorney in the Hood Law Firm or been employed by that firm? If so, please stand.

4. Have you or any of your family, by blood or marriage, ever been represented by Lindsay Smith-Yancey, Douglas Pratt-Thomas or any attorney in the firm of Pratt-Thomas Walker, P.A. or been employed by that firm? If so, please stand.

5. Do you know, in any way, any of the attorneys in these law firms? How? Is that relationship such that it may have even a little influence on your ability to serve as a completely impartial juror? If so, please stand.

6. Have you or anyone in your family ever worked for a lawyer or law firm? If so, please stand and provide details.

7. Have you or anyone in your family ever worked for the court system? If so, please stand and provide details.

8. Do any members of the jury panel, or members of their immediate family, work for Dr. Edmund Rhett? If so, please stand and tell us whether it is you or a family member who works for Dr. Rhett and in what capacity. Please state whether that would have even a little effect on your ability to serve as a completely impartial juror in a case against Dr. Rhett for medical malpractice.

9. Do any members of the jury panel, or members of their immediate family, work for Low Country Obstetrics and Gynecology, P.A.? If so, please stand and tell us whether it is you or a family member who works for Low Country Obstetrics and Gynecology, P.A. and in what capacity. Please state whether that would have even a little effect on your ability to serve as a completely impartial juror in a case against Low Country Obstetrics and Gynecology, P.A. for medical malpractice.

10. Do any members of the jury panel, or members of their immediate family, work for East Cooper Regional Medical Center? If so, please stand and tell us whether it is you or a

family member who works for East Cooper Regional Medical Center and in what capacity.

Please state whether that would have even a little effect on your ability to serve as a completely impartial juror in a case against East Cooper Regional Medical Center for medical malpractice.

11. Do any members of the jury panel, or members of their immediate family, work in the medical field? If so, please stand and tell us whether it is you or a family member who works in the medical field and in what capacity. Please state whether that would have even a little effect on your ability to serve as a completely impartial juror in a case against a medical provider for medical malpractice.

12. Have you or any of your family, by blood or marriage, ever been treated by Dr. Edmund Rhett, Low Country Obstetrics and Gynecology or East Cooper Regional Medical Center? If so, please stand and provide details. Please state whether that would have even a little effect on your ability to serve as a completely impartial juror in a case against Dr. Edmund Rhett, Low Country Obstetrics and Gynecology and East Cooper Regional Medical Center for medical malpractice.

13. Do any members of the jury panel, or members of their immediate family own stock in the hospital corporation known as Tenet Healthcare Corporation?

14. Has any member of the jury panel, or members of their immediate family, been a defendant in any type of lawsuit? If so, please stand and provide details. Would that have even a little effect on your ability to serve as a completely impartial juror?

15. Do you know in any way, Dr. Edmund Rhett, or any of his employees? If so, please stand any of the doctors or employees therein? How? Is that relationship such that it may have even a little influence on your ability to serve as a completely impartial juror? If so, please

stand and state how you know them. Is that relationship such that it may have even a little influence on your ability to serve as a completely impartial juror?

16. Do you know in any way, any employees of East Cooper Regional Medical Center or Low Country Obstetrics and Gynecology? If so please stand and state how you know them. Is that relationship such that it may have even a little influence on your ability to serve as a completely impartial juror?

17. Have you previously served on a jury, civil or criminal? If so, please come forward and provide details concerning the type of case and the verdict rendered. Did anything happen during your previous experience as a juror which might effect even a little bit your ability to make a decision if you are selected as a juror in this case?

18. Does anyone here believe too many of the lawsuits brought in our country are frivolous? If so, please stand and raise your hand.

19. Are you an active participant with regard to any political party or political cause? If so, please come forward and provide details. Would that have even a little effect on your ability to serve as a completely impartial juror?

20. Does any member of the jury panel have any religious beliefs regarding use of the courts to award damages? If so, please come forward and provide details. Would that have even a little effect on your ability to serve as a completely impartial juror?

21. Is there anything about your own life experience that would make it even a little bit difficult for you to be completely impartial towards someone who claims to be injured and comes into court asking for money damages? If so, please come forward and provide details.

22. Does any member of the jury panel listen to talk radio frequently? If so, please stand and tell us which program(s) you frequently list to.

23. Have you displayed one or more bumper stickers on your automobile in the last twelve (12) months? If so, please come forward and identify the subject matter and words of each bumper sticker.

24. Has any member of the jury panel had a child delivered by vacuum extraction or seen a child born by vacuum extraction? If so, please stand and provide details.

25. Has any member of the jury panel witnessed any other birth of a child? If so please stand.

26. This is a case in which Plaintiff alleges that medical negligence caused her son to be born with traumatic brain damage. Is there any member of the jury panel who believes there should be upper limits on the amount of money jurors should be allowed to give for medical negligence? If so, please stand and raise your hand.

27. In this case both parties have indicated that they may use expert witnesses. Expert witnesses are witnesses who can help the jury because they have information and knowledge about a subject that is beyond the knowledge of most people. Expert witnesses are paid for their time in working on a case and in offering testimony at trial. Does any member of the jury panel think they would have a problem believing expert testimony, based on the view that the testimony of the expert witness should not be trusted because the witness is receiving payment? If so, please stand.

28. Some folks feel that medical care has gotten better over the past ten years or so. Other folks feel it's worse. If you are a little closer to those who think it's gotten better, please stand. If you are a little closer to those who think it's gotten worse, please stand.

29. Sometimes a person sues someone not only to get justice for a wrong, but also to make sure it doesn't happen again. Some folks don't think that's a proper use of the court

system. Others are okay with it. If you are closer to those who think that's not a proper use of the court system, please stand. If you're okay with that, please stand.

30. Some folks feel that their doctors don't always take enough time with them. Others say their doctors do take enough time. If you are closer to those who feel their doctors do not always take enough time, please stand. If you are closer to those who say their doctors do take enough time, please stand.

Respectfully, submitted,

GRAHAM LAW FIRM, P.A.

By: 

Edward L. Graham
Mary H. Watters
Post Office Box 550
Florence, SC 29503
Attorneys for the Plaintiff

February 26, 2010

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CIVIL ACTION NO.: 07-CP-10-1553

Jamesetta Washington, as Guardian ad
Litem for Jayden W. , a minor,

Plaintiff,

v.

Edmund Rhett, Jr., M.D., Low Country
Obstetrics & Gynecology, P.A., Tenet
South Carolina, Inc., d/b/a East Cooper
Regional Medical Center,

Defendants.

STIPULATION OF EVIDENCE

BY

JULIE J. ARMSTRONG
CLERK OF COURT

2010 JUL 15 PM 3:44

FILED

This is a medical negligence action in which the Plaintiff asserts certain acts and omissions of negligence arising out of the birth of her son, Jayden W. Edmund Rhett, M.D., delivered Jayden W. on July 16, 2002, at East Cooper Regional Medical Center, with the assistance of a vacuum extraction system. Through the course of the discovery process, the parties to this matter have determined that the vacuum extraction system used in Jayden W.'s delivery was manufactured by and comprised of the following components:

Utah Medical Products, Inc., CMI Vacuum Pump # 101A

Utah Medical Products, Inc., Tender Touch Silicone Bell-Shaped Vacuum Cup, #404TT

The parties agree that the above referenced vacuum extraction system is the system used in the delivery of Jayden W. and desire to codify their agreement with this Stipulation of Evidence. In doing so, each party agrees, affirms and consents that the above-referenced vacuum system was the system used in the delivery of Jayden W., and that no assertion of the use of other components, manufacturers, or systems in the delivery of Jayden W. will be made at the trial of this matter.

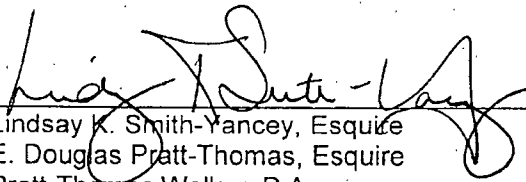
WE CONSENT:



Edward L. Graham, Esquire
Mary H. Watters, Esquire
Graham Law Firm, P.A.
383 W. Cheves Street (29501)
P.O. Box 550
Florence, SC 29503
843-662-3281
Counsel for Plaintiff

(STIPULATION OF EVIDENCE)

WE CONSENT:

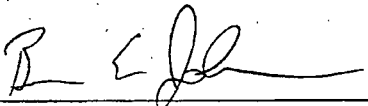


Lindsay K. Smith-Yancey, Esquire
E. Douglas Pratt-Thomas, Esquire
Pratt-Thomas Walker, P.A.
P.O. Drawer 22247
Charleston, SC 29413-2247
843-727-2211

Counsel for Defendants Tenet South Carolina, Inc.,
East Cooper Regional Medical Center and East Cooper
Community Hospital, Inc.

(STIPULATION OF EVIDENCE)

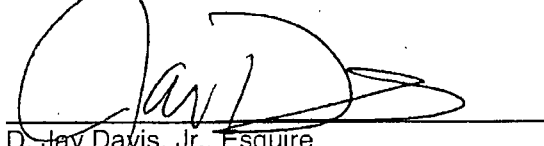
WE CONSENT:

 (SC # 76103)

for Chilton Grace Simmons, Esquire
Molly H. Craig, Esquire
Hood Law Firm, LLC
172 Meeting Street
Post Office Box 1508
Charleston, SC 29402
843-577-1219
Counsel for Defendant Edmund Rhett, Jr., M.D.

(STIPULATION OF EVIDENCE)

WE CONSENT:

A handwritten signature in black ink, appearing to read "Jay Davis", is written over a horizontal line.

D. Jay Davis, Jr., Esquire
James E. Scott, IV, Esquire
Young Clement Rivers
28 Broad Street
P.O. Box 993
Charleston, SC 29402
843-577-4000

Counsel for Defendant Low Country Obstetrics & Gynecology, P.A.

(STIPULATION OF EVIDENCE)

16 CHARLOTTE STREET
CHARLESTON, SC 29403

PO DRAWER 22247
CHARLESTON, SC 29413-2247

PHONE: 843.727.2200
FAX: 843.727.2238

WWW.P-TW.COM

DIRECT DIAL: 843.727.2230
DIRECT FAX: 843.727.2248
EMAIL: AABP@P-TW.COM

E. DOUGLAS PRATT-THOMAS

G. TRENHOLM WALKER

W. ANDREW GOWDER, JR.

JOHN L. AUSTEN

LINDSAY K. SMITH-YANCEY (SC, NC)

CLAYTON B. McCULLOUGH

THOMAS H. HESSE (SC, GA)

IAN W. FREEMAN (SC, CA)

FRANCIS M. ERVIN II (SC, MA)

DANIEL S. McQUEENEY, JR.

JAMIE A. KHAN

KATHLEEN FOWLER MONROE

July 15, 2010

VIA HAND-DELIVERY

The Honorable Julie J. Armstrong
Clerk of Court for Charleston County
100 Broad Street, Suite 106
Charleston, SC 29401

RE: Jamesetta Washington, as Guardian ad Litem for Jayden W. a minor vs. Edmund Rhett, Jr., M.D.
Low Country Obstetrics & Gynecology, P.A., Tenet South Carolina, Inc., d/b/a East Cooper Regional
Medical Center
C.A. No. 07-CP-10-1553
Our File No. 722 109

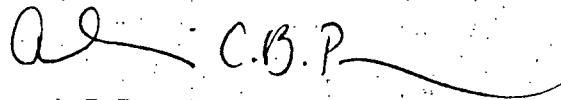
Dear Ms. Armstrong:

Enclosed for filing in the captioned case are an original and three (3) copies of a Stipulation of Evidence, with a check in the amount of \$25.00 for the filing fee. Also enclosed for filing are an original and three (3) copies of a Consent Order of Dismissal and Substitution of Defendant which has been executed by Judge Baxley, as well as a second check in the amount of \$25.00 for the filing fee. Please return the filed copies of the Stipulation and Consent Order to me via our courier.

By copy of this letter, I am serving all counsel of record with the above. As always, your courtesies and assistance are greatly appreciated. Should you have any questions regarding this matter, please do not hesitate to contact our office.

With warmest regards, I am,

PRATT-THOMAS WALKER, P.A.



Alison A. B. Preacher
Paralegal to Lindsay K. Smith-Yancey

.aabp

Enclosures:

cc (w/encl): Edward L. Graham, Esquire
Chilton Grace Simmons, Esquire
D. Jay Davis, Jr., Esquire
Robert Anthony (via email)

Return this bottom portion as instructed using the self-addressed envelope provided.

JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	006
CITY, COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE WIDOWED DIVORCED
Charleston SC	59	2/16/51	2	☒	☐ ☐ ☐
YOUR OCCUPATION	PRESENT OR FORMER EMPLOYER		YEARS		
retired teacher (27 years)	Addlestone Hebrew Academy		10		
LEVEL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE				
College B.S.	Chris C. Amato				
SPOUSE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER		YEARS		
Chiropractor	Self Amato Chiropractic		19		
HAVE YOU EVER SERVED ON A ☐ CIVIL JURY, OR ☐ CRIMINAL JURY? IF SO, WHEN?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO			
1995		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.					
AMATO MICHELE C 2354 PALMER CREEK BEND CHARLESTON, SC 29412					

Return this bottom portion as instructed using the self-addressed envelope provided.

JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	017
CITY, COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE WIDOWED DIVORCED
Charleston S.C.	24	12/30/85		☐	☒ ☐ ☐
YOUR OCCUPATION	PRESENT OR FORMER EMPLOYER		YEARS		
Medical Assistant	Amata Mitchum		1		
LEVEL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE				
College - Certified					
SPOUSE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER		YEARS		
HAVE YOU EVER SERVED ON A ☐ CIVIL JURY, OR ☐ CRIMINAL JURY? IF SO, WHEN?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO			
		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.					
BELL REGINA A 1604 POINT PARK DR JOHNS ISLAND, SC 29455					

Return this bottom portion as instructed using the self-addressed envelope provided.

JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	018
CITY, COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE WIDOWED DIVORCED
Charleston, Charleston, SC	47	09/04/62	2	☒	☐ ☐ ☐
YOUR OCCUPATION	PRESENT OR FORMER EMPLOYER		YEARS		
Dept. Head	Mount Pleasant Water & Sewer		28		
LEVEL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE				
High School	Mary C. Bennett				
SPOUSE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER		YEARS		
N/A	Mount Pleasant Water & Sewer		8		
HAVE YOU EVER SERVED ON A ☐ CIVIL JURY, OR ☐ CRIMINAL JURY? IF SO, WHEN?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO			
		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.					
BENNETT SAMUEL M 1236 MELVIN BENNETT RD MT PLEASANT, SC 29464					

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	022
CITY, COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE WIDOWED DIVORCED
Charleston S.C.	58	10-21-1951	3	☒	☐ ☐ ☐
YOUR OCCUPATION	PRESENT OR FORMER EMPLOYER		YEARS		
Scanner	University Medical Associate		13		
LEVEL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE				
12th	Daniel A. Birds SR.				
SPOUSE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER		YEARS		
Retired	Baines Motor Line		6		
HAVE YOU EVER SERVED ON A ☐ CIVIL JURY, OR ☐ CRIMINAL JURY? IF SO, WHEN?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO			
NO		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.					
BIRDS DIANE M 3439 OSCEOLA ST NORTH CHARLESTO, SC 29405					

JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)				FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	033
TY, COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE	WIDOWED	DIVORCED
Charleston, South Carolina	54	11/19/56	2	☒	☐	☐	☐
JUR OCCUPATION	PRESENT OR FORMER EMPLOYER			YEARS			
Teacher Assistant	Charleston County			19			
VEL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE			YEARS			
12th	John M. Breland			N/A			
POUSES OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER			YEARS			
Welder	Metal Trades			N/A			
HAVE YOU EVER SERVED ON A CIVIL JURY, OR ☒ CRIMINAL JURY?				HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO			
SO, WHEN? I think 1992				HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
ME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.							
				BRELAND VERNESSA A 341 DOUGLASS AVE CHARLESTON, SC 29407			

Return this bottom portion as instructed using the self-addressed envelope provided.

JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)				FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	046
TY, COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE	WIDOWED	DIVORCED
Huaca, New York	39	11/19/71	2	☒	☐	☐	☐
JUR OCCUPATION	PRESENT OR FORMER EMPLOYER			YEARS			
CPA	Asen Johnson			7			
VEL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE			YEARS			
Master's Degree	Bryon			1			
POUSES OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER			YEARS			
CPA	American LaFrance			1			
HAVE YOU EVER SERVED ON A CIVIL JURY, OR ☐ CRIMINAL JURY?				HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO			
SO, WHEN?				HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
ME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.							
				BURBAGE JENNIFER A 1565 MONTCLAIR ST CHARLESTON, SC 29407			

Return this bottom portion as instructed using the self-addressed envelope provided.

JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)				FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	069
TY, COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE	WIDOWED	DIVORCED
Aurbridge, Essex, Massachusetts	67	Feb. 7, 1943		☒	☐	☐	☐
JUR OCCUPATION	PRESENT OR FORMER EMPLOYER			YEARS			
Retired	Charleston Museum			12			
VEL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE			YEARS			
High School	John F. Cormier			3			
POUSES OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER			YEARS			
CONSULTANT	Pharmacy Consultant, LLC			3			
HAVE YOU EVER SERVED ON A CIVIL JURY, OR ☒ CRIMINAL JURY?				HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☒ YES ☐ NO			
SO, WHEN? MANY YEARS AGO				HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
ME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.							
				CORMIER LOUISE A 1724 BATTALION DR CHARLESTON, SC 29412			

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)				FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	071
TY, COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE	WIDOWED	DIVORCED
San Diego, California	50	9/21/1953		☐	☐	☐	☒
JUR OCCUPATION	PRESENT OR FORMER EMPLOYER			YEARS			
Metecologist	WCVN ABC News 4			4			
VEL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE			YEARS			
College Grad	N/A			N/A			
POUSES OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER			YEARS			
N/A	N/A			N/A			
HAVE YOU EVER SERVED ON A CIVIL JURY, OR ☐ CRIMINAL JURY?				HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO			
SO, WHEN?				HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
ME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.							
				CRAWFORD THOMAS D 238 HISTORIC DR MT PLEASANT, SC 29464			

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)			FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	072
CITY, COUNTY, STATE OF BIRTH Spartanburg, Spartanburg, SC	AGE 64	DATE OF BIRTH 5/3/46	# OF CHILDREN 0	MARRIED ☐	SINGLE ☒	WIDOWED ☐
YOUR OCCUPATION retired	PRESENT OR FORMER EMPLOYER Pruitt Real Estate Carolina Real Estate		YEARS 6			
LEVEL OF FORMAL EDUCATION COMPLETED Master Science		NAME OF SPOUSE NA		YEARS		
SPOUSE'S OCCUPATION NA		SPOUSE'S PRESENT OR FORMER EMPLOYER NA		YEARS		
HAVE YOU EVER SERVED ON A ☒ CIVIL JURY, OR ☒ CRIMINAL JURY? IF SO, WHEN? 1970's		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO				
HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO						
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.						
CROW HARRY J JR POB 549 MCCLELLANVILLE, SC 29458						

Return this bottom portion as instructed using the self-addressed envelope provided.

JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)			FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	059
CITY, COUNTY, STATE OF BIRTH Charleston, S.C.	AGE 72	DATE OF BIRTH 10-9-67	# OF CHILDREN 0	MARRIED ☒	SINGLE ☐	WIDOWED ☐
YOUR OCCUPATION Electrician	PRESENT OR FORMER EMPLOYER KDP		YEARS 10			
LEVEL OF FORMAL EDUCATION COMPLETED High school 9th grade		NAME OF SPOUSE Kathy Choate		YEARS		
SPOUSE'S OCCUPATION N/A		SPOUSE'S PRESENT OR FORMER EMPLOYER N/A		YEARS 0		
HAVE YOU EVER SERVED ON A ☐ CIVIL JURY, OR ☐ CRIMINAL JURY? IF SO, WHEN?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO				
HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO						
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.						
CHOATE WILLIAM L 1295 DOGPATCH RD JOHNS ISLAND, SC 29455						

Return this bottom portion as instructed using the self-addressed envelope provided.

JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)			FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	074
CITY, COUNTY, STATE OF BIRTH KINGSTON NEW YORK	AGE 38	DATE OF BIRTH 5.9.72	# OF CHILDREN 0	MARRIED ☒	SINGLE ☐	WIDOWED ☐
YOUR OCCUPATION ARCHITECT	PRESENT OR FORMER EMPLOYER LSBP ASSOC.		YEARS 10			
LEVEL OF FORMAL EDUCATION COMPLETED BACH		NAME OF SPOUSE JARED FISHER OD		YEARS		
SPOUSE'S OCCUPATION OPTOMETRIST		SPOUSE'S PRESENT OR FORMER EMPLOYER SELF		YEARS 4		
HAVE YOU EVER SERVED ON A ☐ CIVIL JURY, OR ☐ CRIMINAL JURY? IF SO, WHEN?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO				
HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO						
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.						
DANIELSON SANDRINE F 403 WOODLAND SHORES RD CHARLESTON, SC 29412						

Return this bottom portion as instructed using the self-addressed envelope provided.

JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)			FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	083
CITY, COUNTY, STATE OF BIRTH Lundstul Germany	AGE 24	DATE OF BIRTH 9-16-1985	# OF CHILDREN 0	MARRIED ☐	SINGLE ☒	WIDOWED ☐
YOUR OCCUPATION Flight Attendant	PRESENT OR FORMER EMPLOYER H. W. Cons. N		YEARS			
LEVEL OF FORMAL EDUCATION COMPLETED High School		NAME OF SPOUSE		YEARS		
SPOUSE'S OCCUPATION		SPOUSE'S PRESENT OR FORMER EMPLOYER		YEARS		
HAVE YOU EVER SERVED ON A ☐ CIVIL JURY, OR ☐ CRIMINAL JURY? IF SO, WHEN?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO				
HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO						
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.						
DREW LARRY A JR 3785 LADSON RD APT 235 LADSON, SC 29456						

Return this bottom portion as instructed using the self-addressed envelope provided.

JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)				FOR TERM BEGINNING WEEK OF: 07-26-2010	JUROR NUMBER: 084
CITY, COUNTY, STATE OF BIRTH Charleston, SC	AGE 50	DATE OF BIRTH 02-05-60	# OF CHILDREN one	MARRIED ☐	SINGLE ☒
YOUR OCCUPATION Deli-Bakery Sales mgr.	PRESENT OR FORMER EMPLOYER Food Lion - 05 Sycamore Chas. SC		YEARS 7		
LEVEL OF FORMAL EDUCATION COMPLETED 14		NAME OF SPOUSE		YEARS	
SPOUSE'S OCCUPATION N/A		SPOUSE'S PRESENT OR FORMER EMPLOYER		YEARS	
HAVE YOU EVER SERVED ON A ☐ CIVIL JURY, OR ☐ CRIMINAL JURY? IF SO, WHEN?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☒ YES ☐ NO			
		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.					
DUNMEYER DOROTHY C POB 143 RAVENEL, SC 29470					

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)				FOR TERM BEGINNING WEEK OF: 07-26-2010	JUROR NUMBER: 096
CITY, COUNTY, STATE OF BIRTH Hartsville, Darlington, SC	AGE 60	DATE OF BIRTH 12/26/49	# OF CHILDREN 0	MARRIED ☒	SINGLE ☐
YOUR OCCUPATION Attorney	PRESENT OR FORMER EMPLOYER self		YEARS 23		
LEVEL OF FORMAL EDUCATION COMPLETED graduate degree (JD)		NAME OF SPOUSE Peter Laurie		YEARS 28/8	
SPOUSE'S OCCUPATION retired		SPOUSE'S PRESENT OR FORMER EMPLOYER South Carolina DNR/self writer		YEARS	
HAVE YOU EVER SERVED ON A ☐ CIVIL JURY, OR ☐ CRIMINAL JURY? IF SO, WHEN?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☒ YES ☐ NO			
		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☒ YES ☐ NO			
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.					
FLOYD CINDY M 750 COPPERHEAD TR JOHNS ISLAND, SC 29455					

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)				FOR TERM BEGINNING WEEK OF: 07-26-2010	JUROR NUMBER: 115
CITY, COUNTY, STATE OF BIRTH Washington, DC	AGE 64	DATE OF BIRTH 05/01/1946	# OF CHILDREN 2	MARRIED ☐	SINGLE ☐
YOUR OCCUPATION Registered Nurse	PRESENT OR FORMER EMPLOYER MUSC, Pool		YEARS 16		
LEVEL OF FORMAL EDUCATION COMPLETED 3 yrs. Nursing		NAME OF SPOUSE		YEARS	
SPOUSE'S OCCUPATION		SPOUSE'S PRESENT OR FORMER EMPLOYER		YEARS	
HAVE YOU EVER SERVED ON A ☒ CIVIL JURY, OR ☐ CRIMINAL JURY? IF SO, WHEN? 5-10 yrs		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☒ YES ☐ NO			
		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.					
HAILE BRENDA C 3288 PLOW GROUND RD JOHNS ISLAND, SC 29455					

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)				FOR TERM BEGINNING WEEK OF: 07-26-2010	JUROR NUMBER: 120
CITY, COUNTY, STATE OF BIRTH Charleston, SC	AGE 16	DATE OF BIRTH 11-22-53	# OF CHILDREN 2	MARRIED ☐	SINGLE ☒
YOUR OCCUPATION Eas	PRESENT OR FORMER EMPLOYER JA		YEARS		
LEVEL OF FORMAL EDUCATION COMPLETED 175 4 yrs College		NAME OF SPOUSE		YEARS	
SPOUSE'S OCCUPATION		SPOUSE'S PRESENT OR FORMER EMPLOYER		YEARS	
HAVE YOU EVER SERVED ON A ☐ CIVIL JURY, OR ☐ CRIMINAL JURY? IF SO, WHEN?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO			
		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.					
HAMILTON JOSEPH E 5356 SEA WATCH LN NO CHARLESTON, SC 29406					

JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	121
COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE WIDOWED DIVORCED
GREENVILLE	57	10-8-52	0	☐	☐ ☐ ☒
OCCUPATION	PRESENT OR FORMER EMPLOYER	YEARS			
TOUR GUIDE	GRAYLINE TOURS	14			
LEVEL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE	YEARS			
GRADUATE					
HOUSE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER	YEARS			
HAVE YOU EVER SERVED ON A CIVIL JURY, OR ☒ CRIMINAL JURY?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☒ YES ☐ NO			
O. WHEN? 2007		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☒ YES ☐ NO			
E AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.					
Hamm Joseph B 8 Yeardon Av Charleston, SC 29407					

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	124
COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE WIDOWED DIVORCED
Somerset, N.J.	28	10-05-81	0	☐	☒ ☐ ☐
OCCUPATION	PRESENT OR FORMER EMPLOYER	YEARS			
Carpenter	Johns Island Remodeling LLC	5.5			
LEVEL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE	YEARS			
Bachelor of Science					
HOUSE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER	YEARS			
HAVE YOU EVER SERVED ON A CIVIL JURY, OR ☐ CRIMINAL JURY?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO			
O. WHEN?		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
E AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.					
Hider Christopher R 2517 Otter Ln Seabrook Island, SC 29455					

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	126
COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE WIDOWED DIVORCED
Williamston, New Hanover Co., N.C.	49	8/25/60	2	☒	☐ ☐ ☐
OCCUPATION	PRESENT OR FORMER EMPLOYER	YEARS			
Heavy Equipment Operator	Dirt Cheap, Inc.	15			
LEVEL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE	YEARS			
HS Diploma	Robyn Hills				
HOUSE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER	YEARS			
Circuit Judge's Admin. Asst.	S.C. JUDICIAL DEPT. (CHARLESTON CO.)	19			
HAVE YOU EVER SERVED ON A CIVIL JURY, OR ☒ CRIMINAL JURY?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO			
O. WHEN? 1983 or so		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
E AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.					
Hills Richard M 179 Revolution Dr Mt Pleasant, SC 29464					

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	127
COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE WIDOWED DIVORCED
SPARTANBURG, SPARTANBURG, SC	29	08/17/1980	0	☐	☒ ☐ ☐
OCCUPATION	PRESENT OR FORMER EMPLOYER	YEARS			
RESTAURANT MANAGER	MANNYS RESTAURANT	2			
LEVEL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE	YEARS			
COLLEGE	N/A				
HOUSE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER	YEARS			
N/A					
HAVE YOU EVER SERVED ON A CIVIL JURY, OR ☐ CRIMINAL JURY?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO			
O. WHEN?		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
E AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.					
Hook Tradd B 1956 Sandcroft Dr Charleston, SC 29407					

JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)				FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	138
CITY, COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE	WIDOWED	DIVORCED
SAN DIEGO, CALIFORNIA	38	9-12-51	0	☒	☐	☐	☐
CURRENT OCCUPATION	PRESENT OR FORMER EMPLOYER			YEARS			
MAN AGENT / MUSE	MEDICAL UNIVERSITY OF SOUTH CAROLINA (P&H)			16			
LEVEL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE			YEARS			
COLLEGE	HAROLD WAYNE JONES			30			
HOUSE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER			YEARS			
ACCOUNTANT	SELF-EMPLOYED: JONES POWDER & RECIPIENTS			30			
HAVE YOU EVER SERVED ON A CIVIL JURY, OR ☐ CRIMINAL JURY?				HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO			
SO, WHEN?				HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
WE AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.							
JONES GWENDOLYN R 1585 SEAWIND DR CHARLESTON, SC 29407							

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)				FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	147
CITY, COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE	WIDOWED	DIVORCED
New York City, NY	80	11/13/1910	—	☐	☒	☐	☐
CURRENT OCCUPATION	PRESENT OR FORMER EMPLOYER			YEARS			
Professor - Art Historian	College of Charleston			31			
LEVEL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE			YEARS			
PhD							
HOUSE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER			YEARS			
HAVE YOU EVER SERVED ON A CIVIL JURY, OR ☐ CRIMINAL JURY?				HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO			
SO, WHEN?				HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
WE AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.							
KOWAL, David M. 9 GADSDEN ST CHARLESTON, SC 29401							

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)				FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	150
CITY, COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE	WIDOWED	DIVORCED
				☐	☐	☐	☐
CURRENT OCCUPATION	PRESENT OR FORMER EMPLOYER			YEARS			
LEVEL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE			YEARS			
HOUSE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER			YEARS			
HAVE YOU EVER SERVED ON A CIVIL JURY, OR ☐ CRIMINAL JURY?				HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☐ NO			
SO, WHEN?				HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☐ NO			
WE AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.							
LAVELLE MARY V 1705 CARTERETT AV CHARLESTON, SC 29407							

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)				FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	153
CITY, COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE	WIDOWED	DIVORCED
Red Bank, Maryland	61	12-11-48	0	☒	☐	☐	☐
CURRENT OCCUPATION	PRESENT OR FORMER EMPLOYER			YEARS			
Management Consultant	Self						
LEVEL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE			YEARS			
Grad School	Nancy M.						
HOUSE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER			YEARS			
Receptionist	West Ashley Yef						
HAVE YOU EVER SERVED ON A CIVIL JURY, OR ☐ CRIMINAL JURY?				HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO			
SO, WHEN?				HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
WE AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.							
LEGASEY ROBERT 1411 RAVENS BLUFF RD JOHNS ISLAND, SC 29455							

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF: 07-26-2010	JUROR NUMBER: 161
CITY, COUNTY, STATE OF BIRTH N. CHRS SC. 29405	AGE 32	DATE OF BIRTH 12/21/77	# OF CHILDREN 2
OCCUPATION Project Manager	PRESENT OR FORMER EMPLOYER Hyland Const.	MARRIED ☐	SINGLE ☒
LEVEL OF FORMAL EDUCATION COMPLETED 9th	NAME OF SPOUSE	WIDOWED ☐	DIVORCED ☐
SPOUSE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER	YEARS	
HAVE YOU EVER SERVED ON A CIVIL JURY, OR ☐ CRIMINAL JURY?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☐ NO	
IF SO, WHEN?		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☒ YES ☐ NO	
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.			

MARTIN JIMMY L II
5012 ALPHA ST
NORTH CHARLESTON, SC 29405

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF: 07-26-2010	JUROR NUMBER: 188
CITY, COUNTY, STATE OF BIRTH 12268th (Estate) N.C.	AGE 52	DATE OF BIRTH 7-29-57	# OF CHILDREN 2
OCCUPATION Trust Specialist	PRESENT OR FORMER EMPLOYER Synovus Trust Co., N.C.	MARRIED ☒	SINGLE ☐
LEVEL OF FORMAL EDUCATION COMPLETED 12th	NAME OF SPOUSE CHRISTINE P. NEUMAYER	WIDOWED ☐	DIVORCED ☐
SPOUSE'S OCCUPATION Banker	SPOUSE'S PRESENT OR FORMER EMPLOYER SC 7	YEARS 2	
HAVE YOU EVER SERVED ON A CIVIL JURY, OR ☐ CRIMINAL JURY?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO	
IF SO, WHEN?		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO	
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.			

NEUMAYER GEORGIA D
1381 TRAILMORE DR #B
CHARLESTON, SC 29407

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF: 07-26-2010	JUROR NUMBER: 191
CITY, COUNTY, STATE OF BIRTH Ogden, Utah	AGE 36	DATE OF BIRTH 7-26-54	# OF CHILDREN 2
OCCUPATION Cabinetmaker / unemployed	PRESENT OR FORMER EMPLOYER Davies Custom Cabinets	MARRIED ☐	SINGLE ☐
LEVEL OF FORMAL EDUCATION COMPLETED 11th grade	NAME OF SPOUSE N/A	WIDOWED ☐	DIVORCED ☒
SPOUSE'S OCCUPATION N/A	SPOUSE'S PRESENT OR FORMER EMPLOYER N/A	YEARS 13	
HAVE YOU EVER SERVED ON A CIVIL JURY, OR ☐ CRIMINAL JURY?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO	
IF SO, WHEN? Not sure of date		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO	
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.			

NYE WILLIAM R
2178 BEES FERRY RD APT B
CHARLESTON, SC 29414

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF: 07-26-2010	JUROR NUMBER: 195
CITY, COUNTY, STATE OF BIRTH Madison, INDIA	AGE 63	DATE OF BIRTH 7-26-1947	# OF CHILDREN 2
OCCUPATION Physician	PRESENT OR FORMER EMPLOYER Medical University of SC	MARRIED ☒	SINGLE ☐
LEVEL OF FORMAL EDUCATION COMPLETED M.D.	NAME OF SPOUSE PUERNIMA	WIDOWED ☐	DIVORCED ☐
SPOUSE'S OCCUPATION Home maker	SPOUSE'S PRESENT OR FORMER EMPLOYER N/A	YEARS 30	
HAVE YOU EVER SERVED ON A CIVIL JURY, OR ☐ CRIMINAL JURY?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO	
IF SO, WHEN? No		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO	
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.			

PAI G SHASHIDHAR
982 CASSEQUE PROVINCE
MT PLEASANT, SC 29464

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)				FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	196	
CITY, COUNTY, STATE OF BIRTH		AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE	WIDOWED	DIVORCED
Kalamazoo, Kalamazoo County, MI		27	10/11/82	0	☐	☒	☐	☐
YOUR OCCUPATION		PRESENT OR FORMER EMPLOYER				YEARS		
Interaction Designer		Blackbaud Inc.				2		
LEVEL OF FORMAL EDUCATION COMPLETED		NAME OF SPOUSE				YEARS		
Masters of Information Science								
SPOUSE'S OCCUPATION		SPOUSE'S PRESENT OR FORMER EMPLOYER				YEARS		
HAVE YOU EVER SERVED ON A ☐ CIVIL JURY, OR ☐ CRIMINAL JURY? IF SO, WHEN?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT?		☐ YES ☒ NO		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)?		☐ YES ☒ NO
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.								

PEARLMAN AARON
9345 BLUE HOUSE RD APT 3305
LADSON, SC 29456

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)				FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	211	
CITY, COUNTY, STATE OF BIRTH		AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE	WIDOWED	DIVORCED
WASHINGTON DC		58	12-1-51	3	☐	☐	☐	☒
YOUR OCCUPATION		PRESENT OR FORMER EMPLOYER				YEARS		
VP Franchise Development		JK HARRIS & COMPANY				21		
LEVEL OF FORMAL EDUCATION COMPLETED		NAME OF SPOUSE				YEARS		
JD		N/A						
SPOUSE'S OCCUPATION		SPOUSE'S PRESENT OR FORMER EMPLOYER				YEARS		
N/A		N/A						
HAVE YOU EVER SERVED ON A ☐ CIVIL JURY, OR ☐ CRIMINAL JURY? IF SO, WHEN?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT?		☒ YES ☐ NO		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)?		☐ YES ☒ NO
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.								

REYNOLDS HELEN J
40 NEW ST
CHARLESTON, SC 29401

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)				FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	230	
CITY, COUNTY, STATE OF BIRTH		AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE	WIDOWED	DIVORCED
Union County, NJ		38	5/29/72	2	☒	☐	☐	☐
YOUR OCCUPATION		PRESENT OR FORMER EMPLOYER				YEARS		
Teacher		Dorchester District 2				11		
LEVEL OF FORMAL EDUCATION COMPLETED		NAME OF SPOUSE				YEARS		
College		Suzanne						
SPOUSE'S OCCUPATION		SPOUSE'S PRESENT OR FORMER EMPLOYER				YEARS		
Pharmacist		Wal-Mart						
HAVE YOU EVER SERVED ON A ☐ CIVIL JURY, OR ☐ CRIMINAL JURY? IF SO, WHEN?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT?		☐ YES ☒ NO		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)?		☐ YES ☒ NO
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.								

SCHAUFLER WILLIAM A
1015 BLACK RUSH CIR
MT PLEASANT, SC 29466

INFORMATION BELOW WILL BE MADE AVAILABLE ONLY TO THE OFFICERS OF THE COURT.

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)				FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	232	
CITY, COUNTY, STATE OF BIRTH		AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE	WIDOWED	DIVORCED
PORTAGE, WIS 12/5/40		69	12/5/40	0	☒	☐	☐	☐
YOUR OCCUPATION		PRESENT OR FORMER EMPLOYER				YEARS		
ANESTHESIA TECHNICIAN		MEDICAL UNIVERSITY OF SOUTH CAROLINA				14		
LEVEL OF FORMAL EDUCATION COMPLETED		NAME OF SPOUSE				YEARS		
B.A.		KATHLEEN DONLEY						
SPOUSE'S OCCUPATION		SPOUSE'S PRESENT OR FORMER EMPLOYER				YEARS		
LIBRARY TECHNICIAN		MEDICAL UNIVERSITY OF SOUTH CAROLINA				22		
HAVE YOU EVER SERVED ON A ☐ CIVIL JURY, OR ☐ CRIMINAL JURY? IF SO, WHEN?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT?		☐ YES ☒ NO		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)?		☐ YES ☒ NO
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.								

SCHUMANN RALPH E
5133 WESTVIEW ST
NO CHARLESTON, SC 29418

INFORMATION BELOW WILL BE MADE AVAILABLE ONLY TO THE OFFICERS OF THE COURT.

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	252		
CITY, COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE	WIDOWED	DIVORCED
CHARLESTON, CHARLESTON COUNTY, SC	31	12/21/1978	0	☒	☐	☐	☐
YOUR OCCUPATION	PRESENT OR FORMER EMPLOYER		YEARS				
FUNDRAISER	CHARLESTON REGIONAL DEVELOPMENT ALLIANCE		2				
LEVEL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE		YEARS				
COLLEGE GRADUATE	JEFFREY SCOTT SPICER		22				
SPOUSE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER		YEARS				
BANKER	WACHOVIA BANK, N.A.		22				
HAVE YOU EVER SERVED ON A ☐ CIVIL JURY, OR ☐ CRIMINAL JURY?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO					
IF SO, WHEN?		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO					
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.							
SPICER TARA N 1258 CHRISMILL LN MT PLEASANT, SC 29466							

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	233		
CITY, COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE	WIDOWED	DIVORCED
EUREKA, HUMBOLDT, CA	63	01-27-47	2	☒	☐	☐	☐
YOUR OCCUPATION	PRESENT OR FORMER EMPLOYER		YEARS				
RETIRED USN	CHARLESTON COUNTY DSS		10				
LEVEL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE		YEARS				
COLLEGE GRADUATE	SHARILYN C SETTERLUND		35				
SPOUSE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER		YEARS				
RETIRED	SCEEG		35				
HAVE YOU EVER SERVED ON A ☒ CIVIL JURY, OR ☒ CRIMINAL JURY?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO					
IF SO, WHEN? 1978? MIL 808		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO					
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.							
SETTERLUND CHARLES E 143 ISLAND DR CHARLESTON, SC 29407							

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	258		
CITY, COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE	WIDOWED	DIVORCED
Baltimore, MARYLAND	42	01-19-68	2	☒	☐	☐	☐
YOUR OCCUPATION	PRESENT OR FORMER EMPLOYER		YEARS				
Teacher Librarian	Chas. County School District Mitchell El.		18				
LEVEL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE		YEARS				
MASTERS + 30	Marvin Michael Swindle		25				
SPOUSE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER		YEARS				
Veterinarian	MUSC		25				
HAVE YOU EVER SERVED ON A ☐ CIVIL JURY, OR ☐ CRIMINAL JURY?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☒ YES ☐ NO					
IF SO, WHEN? NO		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO					
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.							
SWINDLE PAULA A 695 LAKE POINT RD MT PLEASANT, SC 29464							

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	263		
CITY, COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE	WIDOWED	DIVORCED
Charleston, Charleston SC	48	4-6-62	0	☐	☐	☐	☒
YOUR OCCUPATION	PRESENT OR FORMER EMPLOYER		YEARS				
Executive Assistant	Rawle muncy Associates		8				
LEVEL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE		YEARS				
2 yr College							
SPOUSE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER		YEARS				
HAVE YOU EVER SERVED ON A ☐ CIVIL JURY, OR ☒ CRIMINAL JURY?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO					
IF SO, WHEN? 1983		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO					
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.							
THOMAS JONI H 1744 CLARK HILLS CIR JOHNS ISLAND, SC 29455							

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	264
COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE WIDOWED DIVORCED
newville, Kentucky	50	8/20/59	2	☒	☐ ☐ ☐
OCCUPATION	PRESENT OR FORMER EMPLOYER		YEARS		
RN	Charleston Collegiate School		2 fulltime		
EL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE		YEARS		
Associate Degree - Registered Nurse	John Gregory Thompson		5		
USE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER		YEARS		
e. Director SIPOA	Seabrook Island Property Owners Assoc.		5		
HAVE YOU EVER SERVED ON A CIVIL JURY, OR ☒ CRIMINAL JURY?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO			
SO, WHEN? In VA 20 years		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
WE AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.					
THOMPSON TERESA H 2935 MARITIME FOREST DR JOHNS ISLAND, SC 29455					

present very parttime

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	267
COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE WIDOWED DIVORCED
UMBAS, FRANKLIN, OHIO	60	3-23-1950	1	☒	☐ ☐ ☐
OCCUPATION	PRESENT OR FORMER EMPLOYER		YEARS		
INFORMATION TECHNOLOGY	LANXESS CORPORATION		30+		
EL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE		YEARS		
16	BECKI A. TRICKEY		30+		
USE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER		YEARS		
PROFESSOR / ADMINISTRATOR	MUSC		30+		
HAVE YOU EVER SERVED ON A CIVIL JURY, OR ☐ CRIMINAL JURY?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☐ NO			
SO, WHEN?		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
WE AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.					
TRICKEY DOUGLAS S 2637 COQUINA DR JOHNS ISLAND, SC 29455					

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	274
COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE WIDOWED DIVORCED
Ashtabula, Ashtabula, Ohio	51	03/23/1959	0	☒	☐ ☐ ☐
OCCUPATION	PRESENT OR FORMER EMPLOYER		YEARS		
Inspector	SEDOT		10		
EL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE		YEARS		
14 years					
USE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER		YEARS		
HAVE YOU EVER SERVED ON A CIVIL JURY, OR ☐ CRIMINAL JURY?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO			
SO, WHEN?		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
WE AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.					
VLIT CHARLES E 15 5TH AV ISLE OF PALMS, SC 29434					

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	281
COUNTY, STATE OF BIRTH	AGE	DATE OF BIRTH	# OF CHILDREN	MARRIED	SINGLE WIDOWED DIVORCED
YORK, NEW YORK	50	8/13/1959	3	☐	☒ ☐ ☐
OCCUPATION	PRESENT OR FORMER EMPLOYER		YEARS		
not employed					
EL OF FORMAL EDUCATION COMPLETED	NAME OF SPOUSE		YEARS		
USE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER		YEARS		
HAVE YOU EVER SERVED ON A CIVIL JURY, OR ☐ CRIMINAL JURY?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO			
SO, WHEN?		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☒ YES ☐ NO			
WE AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.					
WHITE KENNETH L POB 80997 CHARLESTON, SC 29416					

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	288
CITY, COUNTY, STATE OF BIRTH St. Louis, Jefferson, Missouri	AGE 44	DATE OF BIRTH 17 May 1966	# OF CHILDREN 0	MARRIED ☒	SINGLE ☐ WIDOWED ☐ DIVORCED ☐
YOUR OCCUPATION Unemployed	PRESENT OR FORMER EMPLOYER Verizon Wireless		YEARS 5		
LEVEL OF FORMAL EDUCATION COMPLETED Some college	NAME OF SPOUSE Raymond Wilson		YEARS 10		
SPOUSE'S OCCUPATION Unemployed	SPOUSE'S PRESENT OR FORMER EMPLOYER Captain D's		YEARS 10		
HAVE YOU EVER SERVED ON A ☐ CIVIL JURY, OR ☐ CRIMINAL JURY? IF SO, WHEN? NO		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO			
		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.					
WILSON CHANITY 1817 REDWOOD ST NO CHARLESTON, SC 29405					

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	289
CITY, COUNTY, STATE OF BIRTH Chaz, Chaz, S.C.	AGE 26	DATE OF BIRTH 11/7/85	# OF CHILDREN none	MARRIED ☐	SINGLE ☒ WIDOWED ☐ DIVORCED ☐
YOUR OCCUPATION CNA/CMA	PRESENT OR FORMER EMPLOYER DBCC		YEARS 5		
LEVEL OF FORMAL EDUCATION COMPLETED Associate	NAME OF SPOUSE		YEARS		
SPOUSE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER		YEARS		
HAVE YOU EVER SERVED ON A ☐ CIVIL JURY, OR ☐ CRIMINAL JURY? IF SO, WHEN?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO			
		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.					
WILSON LAWANNA A 1708 W ROBINHOOD DR CHARLESTON, SC 29407					

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JUROR INFORMATION SECTION (PLEASE PRINT OR TYPE CLEARLY.)		FOR TERM BEGINNING WEEK OF:	07-26-2010	JUROR NUMBER:	292
CITY, COUNTY, STATE OF BIRTH Oakland, Alameda, CA	AGE 43	DATE OF BIRTH 10/27/66	# OF CHILDREN 1	MARRIED ☐	SINGLE ☐ WIDOWED ☐ DIVORCED ☒
YOUR OCCUPATION Teacher	PRESENT OR FORMER EMPLOYER Enterprise, INC		YEARS N/A		
LEVEL OF FORMAL EDUCATION COMPLETED Bachelor Degree	NAME OF SPOUSE		YEARS		
SPOUSE'S OCCUPATION	SPOUSE'S PRESENT OR FORMER EMPLOYER		YEARS		
HAVE YOU EVER SERVED ON A ☐ CIVIL JURY, OR ☐ CRIMINAL JURY? IF SO, WHEN?		HAVE YOU EVER BEEN A PARTY TO A CIVIL LAWSUIT? ☐ YES ☒ NO			
		HAVE YOU EVER BEEN CONVICTED OF A CRIME (OTHER THAN A MINOR TRAFFIC OFFENSE)? ☐ YES ☒ NO			
NAME AND/OR ADDRESS CORRECTION: If the information below is incorrect, please write in the correct information in the space provided to the left.					
WOODS JERILYN L 7714 KNOLLWOOD DR NORTH CHARLESTON, SC 29418					

1 ADKINS LARRY M
2 ALDEN JOAN
3 ALLEN HENRIETTA M
4 ALLISON NICHOLAS A
5 ALSTON ANTRELQUIE S
6 AMATO NICHELE C
7 ANDERSON DAMON T
8 ANDERSON JOSHUA M
9 ANDERSON WILLIAM B
10 ARTIS ANDREW J
11 ASKINS TIMOTHY D
12 BACON SYLVIA W
13 BAMMANN JESSIE D
14 BARFIELD KENNETH M
15 BAUMGARTNER BRIAN L
16 BAUMRIND VICTOR A JR
17 BELL REGINA A
18 BENNETT SAMUEL M
19 BENNETT TROY W
20 BENTON CLYDE L
21 BERNSTEIN SARAH G
22 BIRDS DIANE M
23 BLAKE JAMILA E
24 BLAKE MARK L
25 BLANTON EDITH E
26 BOCHENEK TRACEY L
27 BOENSCH CYNTHIA B
28 BOLEK DAVID P
29 BRADHAM JACK L
30 BRADLEY VIOLET S
31 BRADSHAW JACK J
32 BRANDON THOMAS R III
33 BRELAND VERNESSA A
34 BRIDWELL KATHLEEN U
35 BRIGHT DERRICK D
36 BROMER DENISE M
37 BROUGHTON MELISSA A
38 BROWN BENJAMIN L
39 BROWN BRICKEN P
40 BROWN CHRISTOPHER
41 BROWN CURTIS
42 BROWN FALETHIA H
43 BROWN ROSHONDA J
44 BROWN SHERMAN L
45 BUONERBA ALYSHA C
46 BURBAGE JENNIFER A
47 CALHOUN SHARON S
48 CAMPBELL TERRELL R
49 CAPERS RICHARD
50 CARLYLE AMANDA N
51 CARTWRIGHT CAITLIN S
52 CATTERTON BARRETT A
53 CEVA ANNA E
54 CHAMBROVICH HUGH W
55 CHAPLIN JENETTA L
56 CHASE CELIA K

4018 STOCKBRIDGE DR
425 GEDDES AV
1235 HEPBURN ST
1654 TIMOTHY ST
5405 KATY HILL RD
2354 PALMER CREEK BEND
2053 MARSA LN APT C
3323 HEARTHSIDE DR
621 DUPRE LN
2861 SUMMERTREES BLVD
1180 SHERWOOD ST
229 SEA MARSH DR
435 FORT JOHNSON RD
39 FENWICK DR
3544 BAGLEY DR
419 BETSY RD
1604 POINT PARK DR
1236 MELVIN BENNETT RD
173 JACKSON ST
5966 HYDE PARK RD
59 VANDERHORST ST
3439 OSCEOLA ST
4704 HUTCHINSON RD
2472 LIVERPOOL DR
825 SANTEE ST
1561 BRIANNA LN
915 ROYALL AV
1405 IROQUOIS ST
2615 WYE LN
1700 FRANKIE DR APT 202
5101 NAPOLEON DR APT A
306 E ARTIC AVE APT B
341 DOUGLASS AVE
1008 RIVER HAVEN CIR APT V
78 ASHLEY HALL PLANTATION RD
3097 YACHTSMAN DR
4603 MARLBORO PL
1910 DALTON ST
1853 SANDCROFT DR
2776 ABUNDANT RD
1963 SOL LEGARE RD
1423 WESTMORELAND AV
3853 MARY ANN POINT RD
2731 HENRY ST
420 ROTHERWOOD DR
1565 MONTCLAIR ST
140 JACKSON ST APT M
2300 BIRDIE GARRETT ST
1418 CRABB ST
20 MAVERICK ST
1276 WATERFRONT DR
1011A ENCAMPMENT RD
2084 MIDDLEBURG LN
1097 NAVY WAY
4040 CULLAH AV APT 318
1 TOWN CREEK DR

CHARLESTON 29414 M WHITE 04-16-1946
CHARLESTON 29407 F WHITE 06-01-1944
CHARLESTON 29412 F BLACK 05-03-1953
CHARLESTON 29407 M WHITE 07-21-1989
WADMALAW 29487 F BLACK 07-05-1988
CHARLESTON 29412 F WHITE 02-16-1951
CHARLESTON 29405 M BLACK 05-29-1976
CHARLESTON 29414 M WHITE 01-02-1987
MT PLEASANT 29464 M WHITE 12-25-1975
JOHNS ISLAND 29455 M WHITE 07-28-1980
NO CHARLESTON 29405 M WHITE 03-13-1980
KIAWAH ISLAND 29455 F WHITE 01-23-1947
CHARLESTON 29412 F WHITE 06-20-1929
CHARLESTON 29407 M WHITE 08-15-1975
MT PLEASANT 29466 M WHITE 04-25-1985
CHARLESTON 29407 M WHITE 04-20-1966
JOHNS ISLAND 29455 F WHITE 12-30-1985
MT PLEASANT 29464 M WHITE 09-04-1962
CHARLESTON 29403 M BLACK 09-03-1970
RAVENEL 29470 M WHITE 08-06-1953
CHARLESTON 29403 F WHITE 10-10-1986
NORTH CHARLESTON 29405 F BLACK 10-21-1951
AWENDAW 29429 F BLACK 06-30-1990
CHARLESTON 29414 M BLACK 10-06-1960
CHARLESTON 29412 F WHITE 09-10-1927
CHARLESTON 29412 F WHITE 08-29-1983
MT PLEASANT 29464 F WHITE 01-18-1958
NO CHARLESTON 29405 M WHITE 05-13-1983
NORTH CHARLESTON 29405 M WHITE 01-06-1961
MT PLEASANT 29464 F WHITE 05-25-1934
NO CHARLESTON 29418 M WHITE 01-16-1967
FOLLY BEACH 29439 M WHITE 01-26-1981
CHARLESTON 29407 F BLACK 01-19-1956
CHARLESTON 29412 F WHITE 09-07-1964
CHARLESTON 29407 M BLACK 12-09-1962
MT PLEASANT 29466 F WHITE 01-23-1953
NO CHARLESTON 29405 F WHITE 12-26-1965
NO CHARLESTON 29406 M BLACK 01-09-1959
CHARLESTON 29407 M BLACK 11-29-1982
JOHNS ISLAND 29455 M BLACK 01-26-1946
CHARLESTON 29412 M BLACK 01-13-1982
CHARLESTON 29412 F BLACK 05-17-1959
JOHNS ISLAND 29455 F BLACK 11-03-1979
NO CHARLESTON 29405 M BLACK 01-02-1979
CHARLESTON 29407 F WHITE 02-26-1973
CHARLESTON 29407 F WHITE 01-19-1971
CHARLESTON 29403 F BLACK 01-19-1968
NO CHARLESTON 29405 M BLACK 01-01-1983
CHARLESTON 29407 M BLACK 12-26-1940
CHARLESTON 29403 F WHITE 08-20-1983
MT PLEASANT 29464 F WHITE 10-04-1988
CHARLESTON 29412 M WHITE 12-09-1969
MOUNT PLEASANT 29464 F WHITE 03-26-1963
NO CHARLESTON 29405 M WHITE 09-17-1985
NO CHARLESTON 29405 F BLACK 08-25-1945
CHARLESTON 29407 F WHITE 01-01-1961

NO	NAME	ADDRESS	CITY	ZIP	SEX	RACE	DATE BORN
57	CHIPLEY ROBERT T	5031 TREXLER AV	HOLLYWOOD	29449	M	WHITE	11-25-1951
58	CHISOLM MARY	1182 EQUINOX CT	JOHNS ISLAND	29455	F	BLACK	09-12-1933
59	CHOATE WILLIAM L	1295 DOGPATCH RD	JOHNS ISLAND	29455	M	WHITE	10-09-1967
60	CICCARELLI SHERYL A	16 LAVINGTON RD	CHARLESTON	29407	F	WHITE	12-27-1972
61	CLAUHS PATRICIA K	1532 OLD VILLAGE DR	MT PLEASANT	29464	F	WHITE	11-02-1963
62	CLEMENT MERRITT S	1549 LONG VIEW RD	MT PLEASANT	29464	M	WHITE	10-26-1950
63	CLINTON JAMES R	1359 BLACK RIVER DR	MT PLEASANT	29466	M	WHITE	11-11-1978
64	GOAKLEY ANGELA M	2945 BOBO RD	MT PLEASANT	29466	F	BLACK	02-11-1970
65	COAXUMNELSON PORSCHA N	3888 N HIGHWAY 17	AWENDAW	29429	F	BLACK	02-02-1990
66	COOMBS ZOE M	1948 FALLING CREEK CIR	MT PLEASANT	29464	F	WHITE	05-17-1990
67	CORBETT SHAKARI	1609 LARRY ST	N CHARLESTON	29406	M	BLACK	06-05-1990
68	CORBIN JAMES E IV	1127 RIVER RD	JOHNS ISLAND	29455	M	WHITE	09-14-1968
69	CORMIER LOUISE A	1724 BATTALION DR	CHARLESTON	29412	F	WHITE	02-07-1943
70	COTE KAREN A	1005 BARBADOS WAY	CHARLESTON	29412	F	WHITE	10-22-1965
71	CRAWFORD THOMAS D	238 HISTORIC DR	MT PLEASANT	29464	M	WHITE	09-21-1953
72	CROW HARRY J JR	POB 549	MCCLELLANVILLE	29458	M	WHITE	05-03-1946
73	CURNELL BEULAH M	995 KING ST APT B	CHARLESTON	29403	F	BLACK	04-23-1957
74	DANIELSON SANDRINE F	403 WOODLAND SHORES RD	CHARLESTON	29412	F	WHITE	05-05-1972
75	DAVIS DENEL P	134 GORDON ST	CHARLESTON	29403	M	BLACK	03-27-1971
76	DAVIS SAMMY L JR	5439 RAE STREET	N CHAS	29418	M	BLACK	04-30-1956
77	DAWKINS DAVID M	3024 QUEENSGATE WAY	MT PLEASANT	29466	M	WHITE	03-03-1972
78	DAWSON NATHAN J	3285 PEYTON ST	JOHNS ISLAND	29455	M	WHITE	07-30-1976
79	DAY KYNDRA L	2150 SPOLETO LN APT A1	NORTH CHARLESTON	29406	F	WHITE	11-20-1987
80	DENSON BARBARA M	1917 NORWOOD ST	NORTH CHARLESTON	29405	F	BLACK	04-12-1949
81	DIMUZIO ERICA R	6596 CHLOE LN	NO CHARLESTON	29406	F	WHITE	04-08-1980
82	DOWDLE CAROLINE M	28 RIVER REACH WAY	CHARLESTON	29407	F	WHITE	05-05-1980
83	DREW LARRY A JR	3785 LADSON RD APT 235	LADSON	29456	M	BLACK	09-26-1985
84	DUNMEYER DOROTHY C	POB 143	RAVENEL	29470	F	BLACK	02-05-1960
85	EDWARDS DANIEL E	764 CREEKSIDE DR	CHARLESTON	29412	M	WHITE	12-10-1941
86	EDWARDS NORA L	3720 OLD CHARLESTON RD	JOHNS ISLAND	29455	F	BLACK	03-04-1949
87	ELDRIDGE BASIL J	2642 RANGER DR	NO CHARLESTON	29405	M	WHITE	06-01-1959
88	EPPS SHARON W	6844 WARD AV #5	NO CHARLESTON	29406	F	WHITE	01-03-1964
89	FANNIN ERIN S	1472 C OF C COMPLEX	CHARLESTON	29424	F	WHITE	10-16-1989
90	FARISH GREGORY S	68 KING ST	CHARLESTON	29401	M	WHITE	08-16-1952
91	FAULKNER BOBBIE S	1517 CAMBRIDGE LAKES DR	MT PLEASANT	29464	F	WHITE	04-15-1931
92	FERGUSON HARRY	5600 DORCHESTER RD APT 905	NO CHARLESTON	29418	M	BLACK	08-26-1942
93	FERGUSON JOSEPH H	827 PARROT CREEK WAY	CHARLESTON	29412	M	WHITE	12-18-1956
94	FITZPATRICK PEARSE	2749 PALMETTO HALL BLVD	MT PLEASANT	29466	M	WHITE	01-17-1956
95	FLETCHER RENA D	2660 PALMETTO HALL BLVD	MT PLEASANT	29466	F	WHITE	02-10-1923
96	FLOYD CINDY M	750 COPPERHEAD TR	JOHNS ISLAND	29455	F	WHITE	12-26-1949
97	FLUDD GERALD L	7624 HILLDALE RD	NO CHARLESTON	29420	M	BLACK	12-10-1945
98	FLUDD MOZELL W	1321 RONALD LN	CHARLESTON	29412	F	BLACK	09-18-1938
99	FORD HAROLD	4014 OLIVIA DR	NO CHARLESTON	29418	M	BLACK	09-01-1966
100	FRASIER VASHAWN A	2768 HAMLIN BEACH RD	MDUNT PLEASANT	29466	M	BLACK	10-25-1970
101	FRASIER YOLANDA Y	1829 SOL LEGARE RD	CHARLESTON	29412	F	BLACK	08-04-1963
102	FUGATE TOBY L	357 SHOALS DR	MT PLEASANT	29464	M	WHITE	09-22-1974
103	FURER RYAN R	17 VINCENT DR #B	MT PLEASANT	29464	M	WHITE	01-18-1969
104	GADSDEN MARY LOUISE K	1224 VILLAGE CREEK LN #G1	MT PLEASANT	29464	F	WHITE	05-23-1932
105	GADSON TERRANCE L JR	12 GROVE ST	CHARLESTON	29403	M	BLACK	04-08-1991
106	GAMBLE SHANEQUE J	2694 RANGER DR	NORTH CHARLESTON	29405	F	BLACK	11-08-1984
107	GEATHERS CHRISTINE	2636 S ALLEN DR APT A	NO CHARLESTON	29405	F	BLACK	01-27-1939
108	GEIS WILLIAM C	3486 TOOMER KILN CIR	MT PLEASANT	29466	M	WHITE	09-09-1968
109	GENTILIN ANNY L	1341 BATTLE GROUND RD	CHARLESTON	29412	F	WHITE	05-09-1937
110	GORECKI MARTIN M	17 1/2 LINE ST	CHARLESTON	29403	M	WHITE	09-17-1973
111	GRAHAM CARL	5456 KAY ST	NORTH CHARLESTON	29418	M	BLACK	05-21-1951
112	GRAHAM MAURICE J	122 N ROMNEY ST APT G	CHARLESTON	29403	M	BLACK	05-04-1970

NO	NAME	ADDRESS	CITY	ZIP	SEX	RACE	DATE BORN
113	GREENE MINNIE A	1307 N SHERWOOD DR	CHARLESTON	29407	F	BLACK	08-16-1940
114	GROSSMAN MARY M	1881 BAIRDS COVE	CHARLESTON	29414	F	WHITE	06-22-1960
115	HAILE BRENDA C	3288 PLOW GROUND RD	JOHNS ISLAND	29455	F	WHITE	05-01-1946
116	HALL ADIESA M Y	634 CASHEW ST	CHARLESTON	29407	F	BLACK	08-06-1973
117	HALSEY CELIA L	943 KINCADE DR	MT PLEASANT	29464	F	WHITE	12-19-1944
118	HAMILTON COREY L	40 AMERICA ST APT B	CHARLESTON	29403	M	BLACK	07-30-1977
119	HAMILTON ISHAHEL D	1524 MOSSTREE RD APT F	NO CHARLESTON	29405	M	BLACK	12-20-1962
120	HAMILTON JOSEPH E	5356 SEA WATCH LN	NO CHARLESTON	29406	M	BLACK	11-22-1953
121	HAMM JOSEPH B	8 YEADON AV	CHARLESTON	29407	M	WHITE	10-08-1952
122	HARDY PAUL W	5 COLLETON DR	CHARLESTON	29407	M	WHITE	10-20-1955
123	HENRY RUBY S	634 CASHEW ST #C	CHARLESTON	29407	F	BLACK	03-29-1958
124	HIDER CHRISTOPHER R	2517 OTTER LN	SEABROOK ISLAND	29455	M	WHITE	10-05-1981
125	HILLS ELIZABETH S	121 LIVE OAK DR	MT PLEASANT	29464	F	WHITE	02-23-1945
126	HILLS RICHARD M	179 REVOLUTION DR	MT PLEASANT	29464	M	WHITE	08-25-1960
127	HOOK TRADD B	1956 SANDCROFT DR	CHARLESTON	29407	M	WHITE	08-17-1980
128	HUGHES LAURA P	1448 AMANDA PARK LN	CHARLESTON	29412	F	WHITE	11-29-1979
129	INGRAM ANTHONY	4242 GRIMKE ST APT A	NO CHARLESTON	29405	M	BLACK	01-10-1957
130	JACKSON JOHN C	8669 DEERWOOD DR	NORTH CHARLESTON	29406	M	WHITE	12-27-1953
131	JACOBUS ERIC N	7927 SAINT IVES RD APT 807	NORTH CHARLESTON	29406	M	WHITE	01-20-1986
132	JAMIESON WILLIAM M	POB 1296	FOLLY BEACH	29439	M	WHITE	04-01-1967
133	JENKINS ESTELLE	2151 SOL LEGARE RD	CHARLESTON	29412	F	BLACK	02-13-1944
134	JENKINS RONDA M	2 CAROLINA ST	CHARLESTON	29403	F	BLACK	07-29-1966
135	JIMENEZ MYRNA L	78 ASHLEY HALL PLANT A14	CHARLESTON	29407	F	BLACK	05-25-1948
136	JOHNSON ANNA L	3360 ASHLEY PHOSPHATE RD # A2	NO CHARLESTON	29418	F	BLACK	04-18-1926
137	JOHNSON FRANCES E	7910 CROSSROADS DR APT 16A	NO CHARLESTON	29406	F	WHITE	05-11-1977
138	JONES GWENDOLYN R	1585 SEAWIND DR	CHARLESTON	29407	F	WHITE	09-12-1951
139	JONES KATHY J	1801 NORTH SMOKERISE WAY	MT PLEASANT	29466	F	WHITE	10-21-1953
140	JONES LUTHER L	8183 OLD JACKSONBORO RD	ADAMS RUN	29426	M	BLACK	05-07-1962
141	KASMAN ALEXANDER	52 SOWELL ST	MT PLEASANT	29464	M	WHITE	01-20-1967
142	KEITH JAMES D JR	717 CREEKSIDE DR	MT PLEASANT	29464	M	WHITE	10-08-1942
143	KIGHT CHELSEY R	1744 OPAL AVE	CHARLESTON	29407	F	WHITE	10-03-1990
144	KING SYDNEY S	8 FALKIRK DR	CHARLESTON	29407	F	BLACK	10-06-1990
145	KNAUER ORREN F	1 BISHOP GADSDEN WAY #A-157	CHARLESTON	29412	M	WHITE	08-30-1939
146	KNIGHT DERRALD	3326 JULES DR	JOHNS ISLAND	29455	M	BLACK	09-14-1955
147	KOWALL DAVID M	9 GADSDEN ST	CHARLESTON	29401	M	WHITE	01-17-1950
148	LAMB DOMINIQUE R	918 SEA GULL DR APT A	MOUNT PLEASANT	29464	F	WHITE	12-07-1970
149	LAPORTE JENNIFER M	7930 ST IVES RD #9C	NO CHARLESTON	29406	F	WHITE	10-26-1980
150	LAVELLE MARY V	1705 CARTERETT AV	CHARLESTON	29407	F	WHITE	05-17-1945
151	LEE DENNIS J	540 CALICO RETREAT	MT PLEASANT	29464	M	WHITE	07-21-1946
152	LEGARE JASON J	2433 N EDENVALE RD	JOHNS ISLAND	29455	M	BLACK	02-09-1979
153	LEGASEY ROBERT	1411 RAVENS BLUFF RD	JOHNS ISLAND	29455	M	WHITE	12-11-1948
154	LEHR TARA L	1701 LOTUS LN	CHARLESTON	29412	F	WHITE	02-03-1973
155	LINGARD ANTIONE	2033 BISHOP DR	CHARLESTON	29414	M	BLACK	10-09-1976
156	LOGAN CAROLYN	557 FLEMING RD #B	CHARLESTON	29412	F	BLACK	05-30-1943
157	LOHRENZ NORA M	1618 LAUDA DR	MT PLEASANT	29464	F	WHITE	05-27-1979
158	MACK DAVID J JR	1305 RAYMOND WAY	CHARLESTON	29407	M	BLACK	12-24-1928
159	MANAI VAILILI A	467 WOODLAND SHORES RD	CHARLESTON	29412	F	ORIENTAL	12-05-1983
160	MARTIN CLARENCE G	2561 FASSITT RD #B3	NO CHARLESTON	29406	M	BLACK	07-14-1944
161	MARTIN JIMMY L II	5012 ALPHA ST	NORTH CHARLESTON	29405	M	WHITE	12-21-1977
162	MAXSON VIRGINIA E	308 MCCORMICK ST	MOUNT PLEASANT	29464	F	WHITE	03-18-1955
163	MAY JOSHUA S	45 SYCAMORE AV APT 1427	CHARLESTON	29407	M	WHITE	01-07-1980
164	MAZYCK WILHELMERIA S	3868 MCKEEVER AVE APT F	NCHARLESTON	29405	F	BLACK	09-20-1948
165	MCCORMICK KRYSTAL R	1221 BROWNSWOOD RD	JOHNS ISLAND	29455	F	BLACK	06-02-1983
166	MCLOUGHLIN SEAN O	824 FARNHAM RD	CHARLESTON	29412	M	WHITE	12-13-1977
167	MCNILLAN NICHOLAS H	2750 ATLANTA DR	MT PLEASANT	29466	M	BLACK	07-04-1982
168	MCNEIL SETH I	78 ASHLEY HALL PLNT #F19	CHARLESTON	29407	M	BLACK	01-16-1985

NO	NAME	ADDRESS	CITY	ZIP	SEX	RACE	DATE BORN
169	MCPHERSON TIFFANY	3816 WALNUT ST	NO CHARLESTON	29405	F	BLACK	04-04-1986
170	MEANS DEBORAH A	6320 COME ABOUT WAY	AMENDAW	29429	F	WHITE	03-27-1956
171	MEDLIN TAMRA J	715 WALKERS LANDING LN	CHARLESTON	29412	F	WHITE	09-25-1969
172	MERCADO PAMELA	305 CASTLEHILL CT	CHARLESTON	29414	F	ORIENTAL	04-28-1964
173	MEREDITH THOMAS J	2368 DARTS COVE WAY	MT PLEASANT	29466	M	WHITE	06-20-1958
174	MICKENS CARLEEN E	6267 BALLPARK RD	HOLLYWOOD	29449	F	BLACK	10-13-1987
175	MITCHELL BRADLEY A	5 ASHDALE DR	CHARLESTON	29407	M	WHITE	05-20-1966
176	MITCHELL CHRYSITIE J	997 JOHNNIE DODDS BLVD #715	MT PLEASANT	29464	F	WHITE	06-08-1980
177	MONTGOMERY CHARLES B	408 SUMTER ST	CHARLESTON	29403	M	BLACK	06-26-1953
178	MOOD CLAYTON C	6918 BEARS BLUFF RD	WADMALAW	29487	M	WHITE	12-30-1941
179	MUGFORD DON G II	13 APOLLO RD	CHARLESTON	29407	M	WHITE	07-22-1970
180	MULLER MARY U	5150 CHISOLM RD	JOHNS ISLAND	29455	F	WHITE	07-06-1963
181	MURPHY WAYNE L	24 23RD AV	ISLE OF PALMS	29451	M	WHITE	06-27-1949
182	MURRAY GREGORY JR	1721 WALPOLE WAY	JOHNS ISLAND	29455	M	BLACK	05-14-1979
183	MYERS DORA	2004 ECHO AVE	NORTH CHARLESTON	29405	F	BLACK	06-27-1923
184	MYLETT CHELSEA L	540 RUTLEDGE AV APT B	CHARLESTON	29403	F	WHITE	11-22-1982
185	NATOLI ANTHONY J	20 MAVERICK ST	CHARLESTON	29403	M	WHITE	03-24-1979
186	NAVE JONATHAN D	1324 JEFFORDS ST	CHARLESTON	29412	M	WHITE	11-11-1974
187	NELSON RALPH Z JR	2427 ROCKLAND AV	ROCKVILLE	29487	M	WHITE	02-13-1945
188	NEUMAYER GEORGIA D	1381 TRAILMORE DR #B	CHARLESTON	29407	F	WHITE	09-29-1957
189	NICOLL DOUGLAS K	1502 WANDOW VIEW LN	MT PLEASANT	29464	M	WHITE	10-09-1963
190	NOWELL ERNEST	7744 BARCLAY AV	NO CHARLESTON	29418	F	BLACK	04-23-1951
191	NYE WILLIAM R	2178 BEES FERRY RD APT B	CHARLESTON	29414	M	WHITE	07-26-1954
192	O'CONNOR JANET LEE K	46 QUEEN ST	CHARLESTON	29401	F	WHITE	11-23-1950
193	ORVIN JUANITA L	964 PINE HOLLOW RD	MT PLEASANT	29464	F	WHITE	04-16-1943
194	OWEN JASON S	2316 DUNLAP ST	NORTH CHARLESTON	29406	M	WHITE	07-25-1979
195	PAI G SHASHIDHAR	982 CASSEQUE PROVINCE	MT PLEASANT	29464	M	WHITE	07-26-1947
196	PEARLMAN AARON	9345 BLUE HOUSE RD APT 3305	LADSON	29456	M	WHITE	10-11-1982
197	PEELER AUDRA G	3037 QUEENSGATE WAY	MT PLEASANT	29466	F	WHITE	08-24-1983
198	PEOPLES RICHARD N III	3346 MOUNTAINBROOK AV	NO CHARLESTON	29420	M	BLACK	03-29-1985
199	PLACE STEPHEN Z	1914 SAM RITTENBERG #1314	CHARLESTON	29407	M	WHITE	05-17-1974
200	PLAISTED FAYE L	1249 STONE POST RD	CHARLESTON	29412	F	WHITE	06-09-1933
201	POLITE TOMMY M	POB 573	HOLLYWOOD	29449	M	BLACK	05-18-1968
202	PORCHA HERMAN	1934 KERRY ST APT B4	NO CHARLESTON	29406	M	WHITE	06-15-1963
203	POTTENGER ANN R	2333 ASHLEY RIVER RD APT 917	CHARLESTON	29414	F	WHITE	11-06-1927
204	POWERS CAROLINE W	724 RALSTON CT	MT PLEASANT	29464	F	WHITE	05-05-1979
205	PRESIDENT LILA M	2016 HACKEMANN AV	NO CHARLESTON	29405	F	BLACK	02-12-1935
206	PRIDE ROBERT S	55 FROGMORE RD	MT PLEASANT	29464	M	WHITE	10-19-1963
207	PROCTER JEN	1317 WHITE DR	CHARLESTON	29407	F	WHITE	09-26-1975
208	PURSEL JODI L	1743 MOHAWK AVE	CHARLESTON	29412	F	WHITE	06-18-1977
209	RAMBERT APRIL M	2181 DUNLAP ST #9C	NO CHARLESTON	29406	F	BLACK	10-27-1985
210	REID DIANE M	3590 MARY ADER AV APT 922	CHARLESTON	29414	F	WHITE	03-03-1955
211	REYNOLDS HELEN J	40 NEW ST	CHARLESTON	29401	F	WHITE	12-01-1951
212	RIGOT KAREN G	2388 PARSONAGE WOODS LN	MT PLEASANT	29466	F	WHITE	03-16-1976
213	RILEY TREVOR R	21 RIVERS POINT ROW APT 4D	CHARLESTON	29412	M	WHITE	08-30-1984
214	RISER REBECCA E	5000 VICTORIA AV	NO CHARLESTON	29405	F	WHITE	07-08-1919
215	ROBBINS ROXANNE B	2481 FULFORD CT	MT PLEASANT	29466	F	WHITE	02-24-1954
216	ROBERT TAMARA L	7240 HEATLEY RD	NO CHARLESTON	29406	F	WHITE	01-06-1976
217	ROBERTS TREVA S	1700 N WOODMERE DR APT 14	CHARLESTON	29407	F	WHITE	07-05-1957
218	ROBIDOU WADE T	550 HARBOR COVE LN APT 1300S	CHARLESTON	29412	F	WHITE	07-26-1981
219	ROBINSON ANTONIO L	6765 ALSTON AVE	NORTH CHARLESTON	29406	M	BLACK	12-28-1976
220	ROBINSON DEANNA L	4354 LESLIE ST LOT A3	NORTH CHARLESTON	29418	F	WHITE	12-08-1983
221	ROBINSON PHILLIP	1419 VENNING RD	MT PLEASANT	29464	M	BLACK	12-15-1980
222	ROSE JERRY R	7172 BRYHANKE CIR # 200	NORTH CHARLESTON	29418	M	WHITE	04-20-1951
223	ROSS WALTER J	2040 ASHLEY RIVER RD APT 209	CHARLESTON	29407	M	WHITE	04-03-1967
224	ROUSE EDWARD D	26 HANOVER ST #B	CHARLESTON	29403	M	BLACK	10-25-1978

NO	NAME	ADDRESS	CITY	ZIP	SEX	RACE	DATE BORN
225	ROWE WILLIAM H	5303 JUPITER HILL RD	ADAMS RUN	29426	M	BLACK	11-01-1972
226	ROYSTON LESLIE A	1602 WANDO VIEW LN	MT PLEASANT	29464	F	WHITE	05-30-1977
227	RUBIN DAVID H	2224 WEEPOLOW TRL	CHARLESTON	29407	M	WHITE	10-06-1985
228	RUMPH WILSON P III	905 FLOODTIDE WAY	MT PLEASANT	29464	M	WHITE	04-09-1978
229	SALZILLO DAVID T	2472 COTTON CREEK DR	MT PLEASANT	29466	M	WHITE	01-11-1959
230	SCHAUFLEER WILLIAM A	1015 BLACK RUSH CIR	MT PLEASANT	29466	M	WHITE	05-29-1972
231	SCHULTZ JEREMIAH J	6625 DORCHESTER RD LOT 225	N CHARLESTON	29418	M	WHITE	02-14-1982
232	SCHUMANN RALPH E	5133 WESTVIEW ST	NO CHARLESTON	29418	M	WHITE	12-05-1940
233	SETTERLUND CHARLES E	143 ISLAND DR	CHARLESTON	29407	M	WHITE	01-27-1947
234	SHAFFER RICHMOND B	924 S SHEM DR	MT PLEASANT	29464	M	WHITE	01-06-1981
235	SHARP DAVON M	1755 ASHLEY HALL RD APT A8	CHARLESTON	29407	M	BLACK	08-30-1980
236	SHINE MILDRED R	143 ST PHILIP ST APT 103C	CHARLESTON	29403	F	BLACK	04-08-1939
237	SHOTTS JULIE L	1334 TELFAIR WAY	CHARLESTON	29412	F	WHITE	01-27-1966
238	SIMMONS CALVIN L	59 ROMNEY ST APT F	CHARLESTON	29403	M	BLACK	11-03-1972
239	SIMMONS GEAN W	1404 WELLESLEY CIR	MOUNT PLEASANT	29466	F	WHITE	08-22-1939
240	SIMMONS JAMES L	4346 ROYAL HARBOR RD	HOLLYWOOD	29449	M	BLACK	10-07-1965
241	SIMMONS KENNEDY	301 ROYAL PALM BLVD APT 103	CHARLESTON	29407	M	BLACK	08-18-1988
242	SIMMONS RONALD S JR	906 ASHLEY AV	CHARLESTON	29403	M	BLACK	07-01-1978
243	SIMMONS SYREETA S	4449 JENWOOD ST	LADSON	29456	F	BLACK	08-02-1981
244	SINGLETON ANTHONY G	5 ASHE ST	CHARLESTON	29403	M	BLACK	02-22-1984
245	SINGLETON BRENDA E	1871 GRIMBALL RD	CHARLESTON	29412	F	BLACK	02-28-1949
246	SINGLETON RUTH C	1585 SECESSIONVILLE RD	CHARLESTON	29412	F	WHITE	03-22-1917
247	SMALLS GERTRUDE BOWENS	4 MARANDA HOLMES ST	CHARLESTON	29403	F	BLACK	07-01-1931
248	SMALLS KINDRA N	1857 HAZELWOOD DR	CHARLESTON	29407	F	BLACK	07-27-1983
249	SMITH CARL J	26 HANOVER ST	CHARLESTON	29403	M	BLACK	01-02-1965
250	SMITH DALE L	113 SIMONS ST	CHARLESTON	29403	M	BLACK	10-22-1971
251	SNEDEKER MARSHALL A	827 SAINT DENNIS DR	CHARLESTON	29407	M	WHITE	08-05-1990
252	SPICER TARA N	1258 CHRISMILL LN	MT PLEASANT	29466	F	WHITE	12-21-1978
253	STEWART ELEISA K	710 SPARK ST	MT PLEASANT	29464	F	BLACK	08-31-1981
254	SULLIVAN HEATHER A	511 BELLE POINT DR	MT PLEASANT	29464	F	WHITE	01-20-1976
255	SUMTER AMANDA Y	7666 OVALDALE DR	NO CHARLESTON	29418	F	BLACK	05-05-1951
256	SUTTON RENEE E	5233 OLD WASHINGTON COURSE	HOLLYWOOD	29449	F	WHITE	06-13-1985
257	SWARTZ JAMES G	1733 BLALOCK ST	MT PLEASANT	29466	M	WHITE	07-16-1970
258	SWINDLE PAULA A	695 LAKE POINT RD	MT PLEASANT	29464	F	WHITE	04-26-1948
259	SYKES DEWAYNE A	2003 ORVID ST APT B	N CHARLESTON	29405	M	BLACK	07-26-1979
260	TAYLOR FRANK S	515 GREENWICH ST	MT PLEASANT	29464	M	WHITE	01-05-1947
261	TECKLENBURG HELEN D	1328 FENWICK PLANTATION RD	JOHNS ISLAND	29455	F	WHITE	04-27-1978
262	THOMAS AMANDA D	1556 SANFORD RD	CHARLESTON	29407	F	WHITE	05-09-1977
263	THOMAS JONI H	1744 CLARK HILLS CIR	JOHNS ISLAND	29455	F	WHITE	04-06-1962
264	THOMPSON TERESA H	2935 MARITIME FOREST DR	JOHNS ISLAND	29455	F	WHITE	08-20-1959
265	THORNHILL ANN W	2850 BROWNELL AVE	SULLIVANS IS	29482	F	WHITE	04-02-1957
266	TINDAL WILLIAM J	2514 NAZARENE ST	NO CHARLESTON	29406	M	BLACK	06-23-1937
267	TRICKEY DOUGLAS S	2637 COQUINA DR	JOHNS ISLAND	29455	M	WHITE	03-23-1950
268	TRUGMAN JANE A	45 SYCAMORE AV APT 616	CHARLESTON	29407	F	WHITE	10-26-1925
269	TRUSCHKE KRYSTAL J	3303 MOUNTAINBROOK AV APT 5	NO CHARLESTON	29420	F	WHITE	10-03-1990
270	TUGWELL JOHN W III	1956 PINEHURST AV	CHARLESTON	29414	M	WHITE	07-01-1965
271	TURNAGE ALICE B	319 WILD HORSE LN	MT PLEASANT	29464	F	WHITE	08-20-1971
272	VIERRA VINCENT Z	1127 TWO RIVERS CT	MOUNT PLEASANT	29464	M	WHITE	09-07-1980
273	VISCIDI ZACHARY P	71 CANNON ST	CHARLESTON	29403	M	WHITE	04-11-1988
274	VLIET CHARLES E	15 5TH AV	ISLE OF PALMS	29451	M	WHITE	03-23-1959
275	WALKER BRENDA G	6272 OLD JACKSONBORO RD	RAVENEL	29470	F	BLACK	10-06-1951
276	WALO ANDREW J	2068 PRESIDIO DR	MT PLEASANT	29466	M	WHITE	06-25-1986
277	WASHINGTON ERNIE L	2672 OLYMPIA AVE	NORTH CHARLESTON	29405	M	BLACK	05-27-1964
278	WASHINGTON MARQUIA S	2225 GREENRIDGE RD APT 1015	NORTH CHARLESTON	29406	F	BLACK	09-06-1983
279	WATKINS WILLIAM H	1218 APEX LN	CHARLESTON	29412	M	WHITE	12-01-1977
280	WHEALE DUNCAN D	330 CONCORD ST #6B	CHARLESTON	29401	M	WHITE	04-14-1947

NO	NAME	ADDRESS	CITY	ZIP	SEX	RACE	DATE BORN
281	WHITE KENNETH L	P08 B0997	CHARLESTON	29416	M	BLACK	08-05-1959
282	WHITE SHAQUINA D	1131 HARTS BLUFF RD	WADMALAW IS	29487	F	BLACK	02-20-1988
283	WICKMAN JESSICA M	4917 POPPERDAM CREEK DR	NO CHARLESTON	29418	F	WHITE	05-13-1988
284	WILDER WILLIAM O	1894 SOL LEGARE RD #B	CHARLESTON	29412	M	BLACK	08-14-1940
285	WILEY KENNETH E	7930 ST. IVES RD APT 16D	NO CHARLESTON	29406	M	BLACK	12-27-1968
286	WILLIAMS MICHAEL C	7728 BLUE HOUSE LN	EDISTO ISLAND	29438	M	WHITE	08-21-1962
287	WILLIAMS RACHAD G	4771 SANDERS AV	NO CHARLESTON	29405	M	BLACK	02-23-1987
288	WILSON CHANITY	1817 REDWOOD ST	NO CHARLESTON	29405	F	BLACK	05-17-1966
289	WILSON LAWANNA A	1708 W ROBINHOOD DR	CHARLESTON	29407	F	BLACK	01-07-1985
290	WINBUSH DELORIS M	5831 ST ANGELA DR	NO CHARLESTON	29418	F	BLACK	03-03-1952
291	WITTE MARK D	3183 SONJA WAY	MT PLEASANT	29466	M	WHITE	03-05-1980
292	WOODS JERILYN L	7714 KNOLLWOOD DR	NORTH CHARLESTO	29418	F	BLACK	10-27-1966
293	WRIGHT CONCHETTA D	1234 FORT JOHNSON RD	CHARLESTON	29412	F	BLACK	11-05-1987
294	WRIGHT DARIN J	573 MEETING ST	CHARLESTON	29403	M	BLACK	12-04-1988
295	WRIGHT DEVIN A	2844 BAKER AV	NO CHARLESTON	29405	M	BLACK	03-31-1983
296	YAEGER JOHN O	1976 SAM RITTENBERG #B	CHARLESTON	29407	M	WHITE	01-02-1949
297	YOCHIM RICHARD H	1412 WITTENBERG DR	MT PLEASANT	29464	M	WHITE	09-22-1927
298	YOUNG DOROTHY B	P08 317	EDISTO ISLAND	29438	F	BLACK	11-20-1937
299	ZBEL AMY P	840 TUPELO BAY DR	MT PLEASANT	29464	F	WHITE	10-07-1966
300	ZELLARS HENRY SR	2633 FERRARA DR	N CHARLESTON	29405	M	BLACK	09-15-1924

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

Jamesetta Washington, as Guardian ad
Litem for Jayden W: , a minor,)

Plaintiffs,)

vs.)

Edmund Rhett, Jr., M.D., Low Country
Obstetrics & Gynecology, P.A., Tenet
South Carolina, Inc., d/b/a East Cooper
Regional Medical Center,)

Defendants.)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NUMBER: 2007-CP-10-1553

**PLAINTIFF'S REQUEST
TO CHARGE # 1**

§ 1-6 General Instructions - Expert Witness Testimony - General Charge

Although lay witnesses are limited to testifying about facts within their knowledge and are not allowed to give opinions, certain witnesses, who, by training, education or experience are considered as experts in a particular field, may give opinions in that field based upon the facts of a matter. Their conclusions and opinions constitute evidence to be considered by you in connection with all of the other testimony and evidence in the case. That is to say, you may consider the expert's opinion just as you do all other evidence in the case and it is for you, the jury, to give it such weight as you, in your experience and discretion, may determine. By this, I mean that you must weigh such evidence and accept or reject it in the same manner that you treat all other evidence in the case. In determining the weight to be given the expert's opinion, you should consider the qualifications and credibility of the expert and the reasons given for his opinion.

The testimony of experts on a subject which is little known to the general public is entitled to consideration. Such testimony, however, must be submitted to your

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Judgment and consideration, to be weighed by you as a part of the evidence in connection with all the other facts in this case. The testimony of experts is to aid and assist you as jurors, not to dominate or control you in the decision of questions of facts. Their opinions and deductions from the evidence before you, and their judgments and opinions, do not preclude yours. You are required to decide disputed questions after comparison and consideration of all the evidence in this case.

➤ See Rules 701, 702, 703, 704, and 705, SCRE; *Tiller v. National Health Care Ctr.*, 334 S.C. 333, 513 S.E.2d 843 (1999); *Means v. Gates*, 348 S.C. 161, 558 S.E.2d 921 (Ct. App. 2001); *Small v. Pioneer Machinery, Inc.*, 329 S.C. 448, 494 S.E.2d 835 (Ct. App. 1998); *Hawkins v. Greenwood Development Corp.*, 328 S.C. 585, 493 S.E.2d 875 (Ct. App. 1997); *Doe v. Greenville Hosp. Sys.*, 323 S.C. 33, 448 S.E.2d 564 (Ct. App. 1994).

➤ See also the following pre-rule cases which are consistent with the current law: *Howle v. PYA/Monarch, Inc.*, 288 S.C. 586, 344 S.E.2d 157 (Ct. App. 1986); *Anderson v. Campbell Tile Co.*, 202 S.C. 54, 24 S.E.2d 104 (1943).

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Jamesetta Washington, as Guardian ad
Litem for Jayden Washington, a minor,

Plaintiffs,

vs.

Edmund Rhett, Jr., M.D., Low Country
Obstetrics & Gynecology, P.A., Tenet
South Carolina, Inc., d/b/a East Cooper
Regional Medical Center,

Defendants.

IN THE COURT OF COMMON PLEAS
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**PLAINTIFF'S REQUEST
TO CHARGE # 2**

A. Conflict in Testimony of Expert Witnesses

In this case, there has been a conflict in the testimony of expert witnesses. To that end, you must weigh one expert's opinion against that of the other, and you must consider the reasons given by one as compared with those of the other. You should consider the relative credibility and knowledge of the experts who have testified. Thereupon, you should find in favor of that expert testimony which, in your opinion, is entitled to the greater weight.

- See *Strange v. South Carolina Dep't of Hwys. and Pub. Transp.*, 307 S.C. 161, 414 S.E.2d 138 (1992); *Jones v. Grissett*, 258 S.C. 22, 186 S.E.2d 829 (1972).

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**PLAINTIFF'S REQUEST
TO CHARGE # 3**

B. Payment of Expert Witness

When an expert witness is called by either a plaintiff or a defendant, he expects to be paid and he should be paid. You should not take into consideration the fact that the witness is paid unless there is some evidence or circumstances appearing from the

evidence which would fully and reasonably convince you that the testimony of the witness has been influenced because of the sum which he has been paid as a witness.

➤ See *Anderson v. Campbell Tile Co.*, 202 S.C. 54, 24 S.E.2d 104 (1943).

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**PLAINTIFF'S REQUEST
TO CHARGE # 4**

**§ 27-10 Medical Malpractice - Expert Testimony -
"Most Probably" Rule of Causation**

In a medical malpractice case, the "most probable" standard is the standard required to prove proximate cause. When a medical malpractice plaintiff relies solely upon the opinion of medical experts to establish a causal connection between the alleged negligence and the injury, the experts must, with reasonable certainty, state that in their professional opinion, the injuries complained of most probably resulted from the defendant's negligence. The experts' testimony must meet the "most probably" rule. It is not sufficient that the malady in question "possibly" or "could have" or "might have" resulted from the negligence. The medical expert must go further and testify that, taking into consideration all the facts, it is his professional opinion that the result in question most probably came from the cause alleged. In other words, a medical malpractice plaintiff who relies solely on expert testimony must introduce evidence that the defendant's negligence most probably resulted in the injuries alleged.

In determining whether particular evidence meets the "most probably" test, it is not necessary that the expert actually use the words "most probably." It is enough that the testimony judicially impress that the opinion represents his professional judgment as to the most likely one among the possible causes.

In other words, the question is not whether the precise terminology of "most probably" is used by the expert in establishing causation. Rather, the question is whether the medical testimony satisfies the "most probably" standard.

- See *Eubanks v. Piedmont Natural Gas Co.*, 198 F. Supp. 522 (D.S.C. 1961); *Payton v. Kears*, 329 S.C. 51, 495 S.E.2d 205 (1998) (before expert medical testimony is admissible on question of causation between plaintiff's injuries and acts of defendant, testimony must satisfy "most probably" rule"); *Gooding v. St. Francis Xavier Hosp.*, 326 S.C. 248, 487 S.E.2d 596 (1997); *Taylor v. Medenica*, 324 S.C. 200, 479 S.E.2d 35 (1996) (in medical malpractice action, plaintiff who relies on expert testimony must introduce evidence that defendant's negligence most probably resulted in injuries alleged); *Jones v. Owings*, 318 S.C. 72, 456 S.E.2d 371 (1995); *Baughman v. American Tel. and Tel. Co.*, 306 S.C. 101, 410 S.E.2d 537 (1991); *Sherer v. James*, 290 S.C. 404, 407, 351 S.E.2d 148, 150 (1986); *Bridges v. Housing Authority*, 278 S.C. 342, 295 S.E.2d 872 (1982); *Green v. Lilliewood*, 272 S.C. 186, 249 S.E.2d 910 (1978); *Gambrell v. Burleson*, 252 S.C. 98, 165 S.E.2d 622 (1969); *Windham v. City of Florence*, 221 S.C. 350, 70 S.E.2d 553 (1952); *Brown v. Carolina Emergency Physicians*, 348 S.C. 569, 560 S.E.2d 624 (Ct. App. 2001) (reason for "most probably" rule is highly technical nature of malpractice litigation; since many malpractice suits involve ailments and treatments outside realm of ordinary lay knowledge, expert testimony is generally necessary; when it is the only evidence of proximate cause relied upon, it must provide significant causal link between alleged negligence and plaintiff's injuries, rather than a tenuous and hypothetical connection); *Watson ex rel. Watson v. Chapman*, 343 S.C. 471, 540 S.E.2d 484 (Ct. App. 2000); *Scoggins v. McClellion*, 321 S.C. 264, 468 S.E.2d 12 (Ct. App. 1996); *Madison v. Brantley*, 302 S.C. 282, 395 S.E.2d 190 (Ct. App. 1990); *Gamble v. Price*, 289 S.C. 538, 347 S.E.2d 131 (Ct. App. 1986).

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**PLAINTIFF'S REQUEST
TO CHARGE # 5**

In a case of this nature, negligence is the failure to do that which an ordinarily careful and prudent physician [obstetrician and nurse or hospital employee] would do under the circumstances shown by the evidence to have existed at the time in questions; or it is the doing of that which an ordinary careful and prudent physician [obstetrician and nurse or hospital employee] would not have done under the existing circumstances.

Negligence on the part of a physician [obstetrician and nurse or hospital employee] has been said to consist in doing something they should not have done or omitting to do something they should have done, or their failure to exercise the required degree of care, skill and diligence.

South Carolina Requests to Charge – Civil, Ralph King Anderson, § 27-2

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**PLAINTIFF'S REQUEST
TO CHARGE # 6**

§ 27-3 Medical Malpractice - Standard of Care of a Specialist

A physician who holds himself out to be a specialist is bound to bring to the discharge of his professional duties as a specialist that degree of skill, care, and learning ordinarily possessed by specialists of a similar class, under the same or similar circumstances. Accordingly, one who holds himself out as a specialist, who undertakes a service in a special branch of medical science, owes to his patient the duty of possessing that degree of learning and skill ordinarily possessed by a specialist of good standing.

- See 61 Am. Jur. 2d *Physicians, Surgeons, and other Healers* § 209 (2002); 61 Am. Jur. 2d *Physicians, Surgeons, and other Healers* § 318 (2002) (instruction in action for malpractice against specialist is erroneous in holding defendant bound to exercise only degree of skill and care required of general practitioner); 70 C.J.S. *Physicians and Surgeons* § 64b (1987).

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**PLAINTIFF'S REQUEST
TO CHARGE # 7**

§ 27-13 Medical Malpractice - State of Medical Knowledge at Time of Treatment

Physicians have a duty to keep reasonably abreast of current advances in their field. The law recognizes that medical service is a progressive science. In determining the degree of care and skill which the law exacts of physicians, regard must be had to the state of advancement of the profession at the time of the treatment. Treatment is to be measured by the standards existing at the time in question and not those which may have existed at some time in the past. Additionally, treatment cannot be measured by standards which exist at the time of trial but did not exist at the time of the alleged malpractice. This applies to the state of medical technology as well.

➤ See 61 Am. Jur. 2d *Physicians, Surgeons, and other Healers* § 197 (2002).

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**PLAINTIFF'S REQUEST
TO CHARGE # 8**

§ 5-5 Master and Servant - Generally

* * *

A master is liable to third parties for injuries caused by the negligence of the servant committed within the scope of the servant's employment. The master is responsible for the acts of his servant even when the servant acts against the express instructions of the master, provided he is acting within the scope of his employment. When a master-servant relationship exists, the tort of the servant is imputed to the master by law, without any requirement of fault on the part of the master.

- See *South Carolina State Budget and Control Bd. v. Prince*, 304 S.C. 241, 403 S.E.2d 643 (1991); *Anderson v. West*, 270 S.C. 184, 241 S.E.2d 551 (1978); *Chavis v. Watkins*, 256 S.C. 30, 180 S.E.2d 648 (1971); *Lane v. Modern Music, Inc.*, 244 S.C. 299, 136 S.E.2d 713 (1964); *Cantrell v. Claussen's Bakery*, 172 S.C. 490, 174 S.E. 438 (1934); *Simmons v. Robinson*, 303 S.C. 201, 399 S.E.2d 605 (Ct. App. 1990), *rev'd*, 305 S.C. 428, 409 S.E.2d 381 (1991); *Hamilton v. Davis*, 300 S.C. 411, 389 S.E.2d 297 (Ct. App. 1990); *Felts v. Richland County*, 299 S.C. 214, 383 S.E.2d 261 (Ct. App. 1989), *aff'd*, 303 S.C. 354, 400 S.E.2d 781 (1991); *Allen v. Columbia Financial Management, Ltd.*, 297 S.C. 481, 377 S.E.2d 352 (Ct. App. 1988); *Watkins v. Mobil Oil Corp.*, 291 S.C. 62, 352 S.E.2d 284 (Ct. App. 1986); *South Carolina Insurance Co. v. James C. Greene and Co.*, 290 S.C. 171, 348 S.E.2d 617 (Ct. App. 1986); *Crittenden v. Thompson-Walker Co., Inc.*, 288 S.C. 112, 341 S.E.2d 385 (Ct. App. 1986); *McAllister v. Graham*, 287 S.C. 455, 339 S.E.2d 154 (Ct. App. 1986); *Gathers v. Harris Teeter Supermarket, Inc.*, 282 S.C. 220, 317 S.E.2d 748 (Ct. App. 1984); 3 Am. Jur. 2d Agency § 270 (1986).

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**PLAINTIFF'S REQUEST
TO CHARGE # 9**

§ 20-3 Negligence - Concurring Cause

the law recognizes that there may be several proximate causes to an event and anyone who is guilty of an act which contributes as a proximate cause and without which the injury complained of would not have occurred is responsible under the doctrine of proximate cause.

There may be more than one proximate cause of an injury, and more than one person may be held responsible for the plaintiff's injuries. The acts and omissions of two or more persons may operate concurrently as efficient causes of an injury. In such case, each of the contributing acts or omissions is regarded in law as a proximate cause for which each of the participants may be held responsible.

Two or more separate and distinct acts of negligence operating concurrently may both constitute proximate causes of an injury. Causes are concurrent if they act

contemporaneously to produce a given result. In other words, the individual acts of negligence must combine to cause the injury.

Where two or more causes combine to produce injury, a person is not relieved from liability for negligence because he is responsible for only one of the causes. It is sufficient that his negligence is an efficient cause without which the injury would not have resulted to as great an extent. Consequently, if a person's negligence is a proximate cause of an injury to another, the fact that the negligence of a third party concurred with his own negligence to produce the harm does not relieve him of liability. In such cases, both wrongdoers are in breach of a duty of care owed to the plaintiff and, because the negligence of both concurred to produce the injury, both are liable.

In other words, where several causes producing an injury are concurrent and each is an efficient cause without which the injury would not have happened, the injury may be attributed to all or any of the causes, and recovery may be had against either or all of the responsible persons, although one of them was more responsible and the duty owed by them to the injured person was not the same.

If an injury occurs through the concurrent negligence of two persons, and it would not have happened in the absence of the negligence of either person, the negligence of both is the proximate cause of the injury, although they may have acted independently of one another, and both are answerable.

In order to hold a defendant liable, it is not necessary to prove that his negligence was the sole proximate cause of the injury. The plaintiff is required only to prove that negligence on the part of the defendant was at least one of the proximate, concurring causes of his injury.

- See *Bishop v. South Carolina Dep't of Mental Health*, 331 S.C. 79, 502 S.E.2d 78 (1998); *Newton v. South Carolina Pub. Rys. Comm'n*, 319 S.C. 430, 462 S.E.2d 266 (1995); *Hughes v. Children's Clinic*, 269 S.C. 389, 237 S.E.2d 753 (1977) (it is generally for jury to say whether defendant's negligence was concurring, proximate cause of plaintiff's injuries); *Sanders v. Western Auto Supply Co.*, 256 S.C. 490, 183 S.E.2d 321 (1971); *Gray v. Barnes*, 244 S.C. 454, 137 S.E.2d 594 (1964); *Horton v. Greyhound Corp.*, 241 S.C. 430, 128 S.E.2d 776 (1962); *Brown v. National Oil Co.*, 233 S.C. 345, 105 S.E.2d 81 (1958); *Culbertson v. Johnson Motor Lines, Inc.*, 226 S.C. 13, 83 S.E.2d 338 (1954); *Landreth v. Atlantic Refining Co.*, 177 S.C. 490, 181 S.E. 727 (1935); *Huggins v. Atlantic Coast Line R.R.*, 158 S.C. 501, 155 S.E. 839 (1930); *Davis v. Tripp*, 338 S.C. 226, 525 S.E.2d 528 (Ct. App. 1999); *Small v. Pioneer Machinery, Inc.*, 329 S.C. 448, 494 S.E.2d 835 (Ct. App. 1997); *South Carolina Ins. Co. v. James C. Greene and Co.*, 290 S.C. 171, 348 S.E.2d 617 (Ct. App. 1986); *Gibson v. Gross*, 280 S.C. 194, 311 S.E.2d 736 (Ct. App.

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**PLAINTIFF'S REQUEST
TO CHARGE # 10**

CHAPTER 22

RECKLESSNESS, WILLFULNESS, AND WANTONNESS

§ 22-1 Recklessness, Willfulness and Wantonness - Defined

The words recklessness, willfulness and wantonness are synonymous. The terms are used to describe a conscious failure to exercise and observe reasonable or due care.

Recklessness implies the doing of a negligent act knowingly. When a person acts negligently and he realizes that he is acting negligently, the law says he is reckless, willful, and/or wanton, whichever term you prefer, they all mean the same thing, that is, the conscious failure to exercise due care.

Recklessness is distinguished from negligence. Negligence is the failure to use due care. Negligence is carelessness. Negligence is failure by omission or commission to exercise due care as a person of ordinary reason and prudence would exercise in the same circumstances.

Recklessness is a higher degree of culpability and responsibility. Recklessness signifies a conscious failure to exercise due care. Recklessness is a conscious indifference to the rights of the plaintiff, or a reckless disregard of the rights of the plaintiff. Recklessness is an awareness of wrongful conduct and a continuation to act regardless of consequences.

In other words, while a negligent person is one who acts carelessly, a person whose behavior is reckless, willful and/or wanton is not only careless in his actions, but is also aware that he is careless. The test for determining whether a tort may be deemed reckless, willful or wanton is whether it has been committed in such a manner and under such circumstances that a person of ordinary reason or prudence would have been conscious of it as an invasion of the rights of the injured party.

- See *Taylor v. Medenica*, 324 S.C. 200, 479 S.E.2d 35 (1996); *McGee v. Bruce Hosp. Sys.*, 321 S.C. 340, 468 S.E.2d 633 (1996) (conscious failure to exercise due care constitutes willfulness); *McCourt v. Abernathy*, 318 S.C. 301, 457 S.E.2d 603 (1995); *Scott v. Fruehauf Corp.*, 302 S.C. 364, 396 S.E.2d 354 (1990); *DeLee v. Knight*, 266 S.C. 103, 221 S.E.2d 844 (1975); *Martin v. Martin*, 262 S.C. 168, 203 S.E.2d 385 (1974); *Powell v. Simons*, 258 S.C. 242, 188 S.E.2d 386 (1972); *Turner v. Sinclair Refining Co.*, 254 S.C. 36, 173 S.E.2d 356 (1970) ("willfulness" is conscious failure to use due care); *Yaun v. Baldrige*, 243 S.C. 414, 134 S.E.2d 248 (1964); *Jeffers v. Hardeman*, 231 S.C. 578, 99 S.E.2d 402 (1957); *Cummings v. Tweed*, 195 S.C. 173, 10 S.E.2d 322 (1940) (wantonness is properly defined as conscious failure to observe due care; an intentional doing of unlawful act knowing

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**PLAINTIFF'S REQUEST
TO CHARGE # 11**

§ 27-22 Medical Malpractice - Right to be Free of Unwanted Medical Treatment

A. Generally

The right to be free of unwanted medical treatment has long been recognized in this country. Every individual of adult years and sound mind has a right to determine what shall be done with his own body and to control the course of his medical treatment.

A competent adult patient has the right to decline any and all forms of medical intervention, including lifesaving or life-prolonging treatment. Our General Assembly has recognized this right to be free of unwanted medical intrusion in the South Carolina Adult Health Care Consent Act. Section 44-66-60 of the Consent Act states in pertinent part:

(A) Unless the patient, while able to consent, has stated a contrary intent to the attending physician or other health care professional responsible for the care of the patient, this chapter does not authorize the provision of health care to a patient who is unable to consent if the attending physician or other health care professional responsible for the care of the patient has actual knowledge that the health care is contrary to the religious beliefs of the patient.

(B) This chapter does not authorize the provision of health care to a patient who is unable to consent if the attending physician or other health care professional responsible for the care of the patient has actual

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knowledge that the health care is contrary to the patient's unambiguous and uncontradicted instructions expressed at a time when the patient was able to consent.

A patient's wishes against medical treatment or intervention, when made known to a physician prior to surgery, must be followed by the attending physician.

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**PLAINTIFF'S REQUEST
TO CHARGE # 12**

B. Emergency Situation

Informed consent is not required in an emergency situation because consent to a serious emergency operation may be implied. However, a physician must respect a competent patient's refusal of treatment, even in an emergency. If a competent patient refuses treatment, any medical treatment is a battery, even in an emergency.

Even under the emergency exception to the informed consent doctrine, a physician should seek the consent of the patient, or, if the patient is incapable of providing consent, the consent of a family member, before administering treatment. Impracticability of conferring with the patient is a prerequisite to dispensing with informed consent under the emergency exception.

- See *Harvey v. Strickland*, Op. No. 25491 (S.C. Sup. Ct. filed July 1, 2002) (Shearouse Adv. Sh. No. 22 at 49); S.C. Code Ann. § 44-66-60 (Rev. 2002); 61 Am. Jur. 2d *Physicians, Surgeons, and other Healers* § 157 (2002); 61 Am. Jur. 2d *Physicians, Surgeons, and other Healers* § 167 (2002); 61 Am. Jur. 2d *Physicians, Surgeons, and other Healers* § 176 (2002) (physician's duty to disclose is suspended if emergency of such gravity and urgency exists that it is impractical to obtain patient's consent, in which case consent is implied).

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**PLAINTIFF'S REQUEST
TO CHARGE # 13**

§ 27-18 Medical Malpractice - Doctrine of Informed Consent - Lack of Informed Consent

When a patient alleges that an unrevealed hazard has caused him injury, the patient must prove a lack of informed consent by expert testimony which establishes:

- (1) the professional standard for disclosure in the defendant's branch of medicine; and
- (2) the defendant's breach of that standard in the circumstances of the particular case.

The plaintiff must prove a breach of the duty of disclosure by the preponderance of the evidence.

In a case alleging lack of informed consent, the plaintiff is required to prove by the preponderance of the evidence that an undisclosed risk appeared and caused him injury and that, had the plaintiff been informed, he would not have submitted to the procedure or treatment. The plaintiff can establish a causal connection between a physician's failure to inform and the alleged injury only if a reasonable person in the patient's position would have refused the treatment had he been told of the risk that resulted in injury.

Lack of informed consent is established when:

- (a) the physician fails to disclose to the patient and discuss the material risks and dangers inherently and potentially involved with respect to the proposed therapy, if any;
- (b) the unrevealed risks and dangers which should have been disclosed by the physician actually materialize and are the proximate cause of the injury to the patient; and
- (c) a reasonable person in the position of the patient would have decided against the therapy had the material risks and dangers inherent and incidental to treatment been disclosed to him prior to the therapy.

➤ See *Baxley v. Rosenblum*, 303 S.C. 340, 400 S.E.2d 502 (Ct. App. 1991); *Hook v. Rothstein*, 281 S.C. 541, 316 S.E.2d 690 (Ct. App. 1984), cert. denied, 283 S.C. 64, 320 S.E.2d 35 (1984); 61 Am. Jur. 2d *Physicians, Surgeons, and other Healers* § 153 (2002) (setting out elements for lack of informed consent); 61 Am. Jur. 2d *Physicians, Surgeons, and other Healers* §§ 178, 183 (2002).

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**PLAINTIFF'S REQUEST
TO CHARGE # 14**

§27-15 Medical Malpractice – Doctrine of Informed Consent – General Charge

We have a doctrine of informed consent. Under the principle of informed consent, the scope of an obstetrician's duty to disclose is measured by those communications a reasonable surgical practitioner would make under the same or similar circumstances. Under the doctrine of informed consent, an obstetrician who performed diagnostic, therapeutic or surgical procedures has a duty to disclose to a patient of sound mind :

1. the diagnosis;
2. the general nature of the contemplated procedure;
3. the material risks involved in the procedure;
4. the probability of success associated with the procedure;
5. the prognosis if the procedure is not carried out; and
6. existence of any alternatives to the procedure.

The basis of this doctrine is the patient's right to exercise control over his own body by deciding intelligently for himself whether or not to submit to a particular procedure. An obstetrician who proposes to perform a surgical procedure on a patient is under a duty to explain to the patient what he proposes to do, the reason for the procedure, what the risks to the patient may be in performing the procedure, and the risks of rejecting the procedure. In addition, the alternatives may be specifically explained. The surgeon is under a duty to advise the patient of all the facts that a reasonable, prudent obstetrician would explain before performing such a procedure so that the patient who is considering whether to submit to or reject the procedure may do so with an awareness (1) of his existing physical condition; (2) of the risks to his health which the procedure may impose; and (3) the purpose and advantages that warrant performing this procedure and the risks of rejecting the procedure.

It is no defense that the procedure which was performed was a surgically sound procedure. It is still for the patient to decide whether he wished to consent to the procedure. If you find that the obstetrician failed to give the plaintiff such material information as a reasonably prudent obstetrician would have given his patient to make him aware of the risks and hazards of the procedure so as to enable the patient to make an informed decision whether to submit to the procedure or reject it you will find that this is a deviation from the standard of care.

An obstetrician is under an obligation to disclose to his patient the known risks or dangers inherent in the treatment that has been proposed, so that the patient will be in a position

to make an intelligent decision as to whether he will submit to the course the obstetrician proposes to take.

The risks which an obstetrician may be bound to disclose to the patient are those risks which are material to the proposed procedure. A risk is material if a reasonable person, in the patient's position, would attach significance to it in deciding whether to submit to the proposed treatment or procedure. If the potential injury greatly outweighs the potential benefit to be gained from the procedure, this might be a material and significant factor which the patient would be entitled to know before giving his consent to the procedure. As the probability or severity of risks to the patient increases, then the duty of the obstetrician to inform the patient of these risks increases.

The doctrine of informed consent is based on the general principle that an obstetrician has a duty adequately to disclose to his patient the proposed diagnostic, therapeutic or surgical procedure to be undertaken, the material risks involved therein and the alternatives available, if any, so that a patient of ordinary understanding confronted with these disclosures, and faced with a choice of undergoing the proposed treatment or selecting an alternative process or preferring refusal to all surgical relief, may in reaching a decision intelligently exercise his judgment by balancing the probable risks against the probable benefits.

An obstetrician is required to disclose those risks which a reasonable medical practitioner of like training would disclose under the same or similar circumstances.

In most cases, the questions of whether and to what extent an obstetrician has a duty to disclose risks are to be determined by expert testimony which establishes the prevailing standard of practice and the surgeon's departure from that standard. The scope of an obstetrician's duty to disclose is measured by those communications a reasonable obstetrical practitioner in the same branch of medicine would make under the same or similar circumstances. The Plaintiff must ordinarily establish the standard by expert obstetrical evidence.

The extent of disclosure is ordinarily a medical judgment. The doctrine of informed consent does not require the obstetrician to risk frightening the patient away from treatment which sound obstetrical judgment indicates is necessary. The obstetrician is not ordinarily required to disclose the risk to the patient where the statistical risk is remote and the severity not great.

If, however, you find that the surgeon told the plaintiff all these facts, which a reasonably prudent surgeon would have provided to a patient in the condition of the plaintiff at the time the decision was made, then you will find that the plaintiff made an informed choice and your verdict must be for the defendant on the issue of informed consent.

The question is not what, regarding the risk involved, the juror would relate to the patient under the same or similar circumstances, or even what a reasonable person would relate, but what a reasonable medical practitioner would do. Such practitioner would consider the state of the patient's health, the condition of his heart and nervous system, his mental state, and would take into account, among other things, whether the risks involved were mere remote possibilities

or something which occurred with some sort of frequency or regularity. This determination involves medical judgment as to whether disclosure of possible risks may have such an adverse effect on the patient as to jeopardize success of the proposed therapy, no matter how expertly performed. After a consideration of these and other proper factors, a reasonable medical practitioner, under some circumstances, would make full disclosure of all risks which had any reasonable likelihood of occurring, but in others the facts and circumstances would dictate a guarded or limited disclosure. In some cases, the judgment would be less difficult than in other, but, in any event, it would be a medical judgment.

A causal connection exists between an obstetrician's failure to inform and the patient's injury only if a reasonable person in the plaintiff's position would have refused treatment had he been told of the risk.

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Jamesetta Washington, as Guardian ad
Litem for Jayden W. , a minor,

Plaintiffs,

vs.

Edmund Rhett, Jr., M.D., Low Country
Obstetrics & Gynecology, P.A., Tenet
South Carolina, Inc., d/b/a East Cooper
Regional Medical Center,

Defendants.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NUMBER: 2007-CP-10-1553

**PLAINTIFF'S REQUEST
TO CHARGE # 15**

**§ 27-16 Medical Malpractice - Doctrine of Informed Consent -
Duty to Disclose - Information Physician is Required
to Give Patient**

A patient has a right to decide for himself whether or not to submit to a particular procedure. Under the doctrine of informed consent, a physician who performs a diagnostic, therapeutic, or surgical procedure has a duty of disclosure to a patient of sound mind

- (1) the physician's diagnosis;
- (2) the general nature of the contemplated procedure;
- (3) the material risks involved in the procedure;
- (4) the probability of success associated with the procedure;
- (5) the prognosis if the procedure is not carried out; and
- (6) the existence of any alternatives to the procedure.

The basis of the doctrine of informed consent is the patient's right to exercise control over his own body by deciding intelligently for himself whether or not to submit to the particular procedure.

A physician is required to disclose those risks which a reasonable physician of like training would disclose under the same or similar circumstances. Additionally, a physician is under an obligation to disclose the known risks or dangers involved in the proposed treatment so the patient can then make an intelligent decision whether or not he will submit to the proposed treatment.

The risks which a physician may be bound to disclose to the patient are those risks which are material to the proposed procedure. A risk is material if a reasonable person, in the patient's position, would attach significance to it in deciding whether to submit to the proposed treatment or procedure. If the potential injury greatly outweighs the potential benefit to be gained from the procedure, this might be a material and significant factor which the patient would be entitled to know before giving his consent to the procedure. As the probability or severity of risks to the patient increases, then the duty of the physician to inform the patient of these risks increases.

The scope of a physician's duty to inform a patient of material risks inherent in a proposed treatment or procedure is measured by those communications a reasonable physician in the same branch of medicine would make under the same or similar circumstances. The extent of disclosure is ordinarily a medical judgment.

In determining whether and how much information he should disclose, the physician must:

- (1) consider the probable impact of disclosure on the patient, taking into account his peculiar knowledge of the patient's psychological, emotional and physical condition; and
- (2) evaluate the magnitude of the risk, the frequency of its occurrence, and the viability of alternative therapeutic measures.

It is no defense that the procedure which was performed was a medically sound procedure. It is still for the patient to decide whether he wished to consent to the procedure.

If you find the physician failed to give the plaintiff such material information as a reasonably prudent physician of like training, under the same or similar circumstances, would have given his patient to make him aware of the risks and hazards of the procedure so as to enable the patient to make an informed decision whether to submit to the procedure or reject it, you will find that this is a deviation from the standard of care. If, however, you find the physician told the plaintiff all the facts which a reasonably prudent physician of like training, under the same or similar circumstances, would have provided to a patient in the condition of the plaintiff at the time the decision was made, then you will find that the plaintiff made an informed choice to reject the procedure and your verdict must be for the defendant on the issue of informed consent.

- See *Harvey v. Strickland*, Op. No. 25491 (S.C. Sup. Ct. filed July 1, 2002) (Shearouse Adv. Sh. No. 22 at 49) (right to control integrity of one's own body spawned doctrine of informed consent); *Tisdale v. Pruitt*, 302 S.C. 238, 394 S.E.2d 857 (Ct. App. 1990); *Stallings v. Ratliff*, 292 S.C. 349, 356 S.E.2d 414 (Ct. App. 1987) (physician is required to disclose those risks which a reasonable medical practitioner in same branch of medicine would disclose under same or similar circumstances); *Hook v. Rothstein*, 281 S.C. 541, 316 S.E.2d 690 (Ct. App. 1984), cert. denied, 283 S.C. 64, 320 S.E.2d 35 (1984) (in most cases, questions of whether and to what extent physician has duty to disclose particular risk are to be determined by expert testimony which establishes prevailing standard of practice and physician's departure from that standard); 61 Am. Jur. 2d *Physicians, Surgeons, and other Healers* § 172 (2002).

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Regional Medical Center,

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**PLAINTIFF'S REQUEST
TO CHARGE # 16**

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§ 27-19 Medical Malpractice - Doctrine of Informed Consent - Written Consent Form

A written consent form to [a medical treatment] [surgery] is ineffective unless a person has been adequately informed of the material risks and any therapeutic alternatives available to [a proposed medical treatment] [surgery]. A written authorization or consent to treatment is then simply an additional piece of evidence for you, the jury, to consider, along with all the other testimony and evidence, in determining whether the patient [or the parent] gave his informed consent for the [treatment] [surgery].

- See 61 Am. Jur. 2d *Physicians, Surgeons, and other Healers* §§ 163-64, 169-177 (2002).

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**PLAINTIFF'S REQUEST
TO CHARGE # 17**

For harm resulting to a third person from the tortious conduct of another, one is subject to liability if he (a) does a tortious act in concert with the other or pursuant to a common design with him, or (b) knows that the other's conduct constitutes a breach of duty and gives substantial assistance or encouragement to the other so to conduct himself, or (c) gives substantial assistance to the other in accomplishing a tortious result and his own conduct, separately considered, constitutes a breach of duty to the third person....

Restatement (Second) of Torts § 876 (1979)

Also see Vortex Sports and Entertainments, Inc. v. Ware 378 SC 197, 662 SE2d 444 (Ct. App., 2008)

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IN THE COURT OF COMMON PLEAS
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**PLAINTIFF'S REQUEST
TO CHARGE # 18**

As a general rule, one who counsels, advises, abets, or assists the commission of an actionable wrong by another is responsible to the injured person for the entire loss or damage.

While separate tort liability does not exist for simply aiding and abetting someone else in committing a tort, as a general rule, one who by any means, words, signs, or motions, counsels, advises, abets, or assists in the commission by another of an actionable wrong is responsible to the injured person for the entire loss or damage. The defendant's aid must be to one who does the wrongful act that causes the injury, knowingly and in substantial assistance of the principal violation. Thus, liability for aiding and abetting can be imposed only where the primary tortfeasor committed a tort that caused injury to the plaintiff.

"Substantial assistance" by a secondary tortfeasor, as required to establish liability as an aider and abettor, means more than "a little aid." The mere presence of a person at the commission of a wrongful act by another does not render that person liable as a participant. A showing of actual and complete knowledge of the tort is not always necessary, however; proof

that a person was present at the commission of a wrongful act, without disapproving or opposing it, in connection with other circumstances, is competent evidence from which the jury may infer that the defendant aided and abetted it. Also, intentional participation in aiding and abetting unlawful conduct can be inferred from aiding in covering up the conduct.

In determining whether the defendant's assistance in aiding and abetting a tort was substantial, consideration is given to the nature of the act encouraged; the amount of assistance given by the defendant; the defendant's presence or absence at the time of the tort; the relationship to the other party; the defendant's state of mind; and the defendant's general awareness of the role in the overall illegal or tortious activity at the time the assistance is provided. Also considered is the foreseeability of the harm that occurred. The test is whether the assistance makes it easier for the violation to occur, not whether the assistance was necessary.

86 C.J.S. Torts § 105

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**PLAINTIFF'S REQUEST
TO CHARGE # 19**

I charge you that when a party fails to preserve material evidence for trial, it is for you to determine whether the party has offered a satisfactory explanation for that failure. If you find the explanation unsatisfactory, you are permitted, but not required, to draw the inference that the evidence would have been unfavorable to the party's claim....

Stokes v. Spartanburg Regional Medical Center, 368 S.C. 515, 629 S.E.2d 675 (Ct. App. 2006)

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**PLAINTIFF'S REQUEST
TO CHARGE # 20**

.....when evidence is lost or destroyed by a party an inference may be drawn by the
jury that the evidence which was lost or destroyed by that party would have been adverse to that
party.....

Kershaw County Board of Education v. U.S. Gypsum Co., 302 S.C. 390, 394; 396 S.E.2d 369,
372 (1990)

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**PLAINTIFF'S REQUEST
TO CHARGE # 21**

The failure or refusal of a party to produce evidence peculiarly within his knowledge and control, which would have an important bearing upon the facts in dispute, [permits but does not require] the inference that it would be unfavorable to his contention.

Willcox v. Jeffcoat, 135 S.C. 149, 133 S.E. 463 (1926), as modified by Baker v. Port City Steel Erectors, Inc. 261 S.C. 469, 200 S.E.2d 681 (1973)

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**PLAINTIFF'S REQUEST
TO CHARGE # 22**

....when a party 'fails to produce the testimony of an available, material witness who is within some degree of control of the party, it may be inferred that the testimony of such witness, if presented, would be adverse to the party who failed to call the witness.'

State v. Batson, S.C. 198 S.E. 2d 517; Baker v. Port City Steel Erectors, Inc. 261 S.C. 469, 200 S.E.2d 681 (1973)

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IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NUMBER: 2007-CP-10-1553

**PLAINTIFF'S REQUEST
TO CHARGE # 23**

§ 13-2 Damages - Actual Damages

Actual damages are properly called compensatory damages, meaning to compensate, to make the injured party whole, to put him in the same position he was in prior to the damages received insofar as this is monetarily possible. In other words, actual or compensatory damages include compensation for all injuries which are naturally the proximate result of the alleged wrongful conduct of the defendant.

Actual damages are awarded to a litigant in compensation for his actual loss or injury. Actual damages are such as will compensate the party for injuries suffered or losses sustained. They are such damages as will simply make good or replace the loss caused by the wrong or injury. Actual damages are damages in satisfaction of, or in recompense for, loss or injury sustained. The goal is to restore the injured party, as nearly as possible through the payment of money, to the same position he was in before the wrongful injury occurred.

The basic measure of actual damages is the amount needed to compensate the plaintiff for the losses proximately caused by the defendant's wrong so that the plaintiff will be in the same position he would have been in if there had been no wrongful injury. Actual damages include compensation for all injuries which are naturally the proximate result of the alleged wrongful conduct of the defendant.

The existence, causation, or amount of damages cannot be left to conjecture, guesswork or speculation. However, proof of amount of loss with absolute or mathematical certainty is not required. Damages must be proved with a reasonable degree of certainty. The evidence presented by the plaintiff must enable you, the jury, to determine what amount is fair, just and reasonable.

The plaintiff bears the burden of proving by the preponderance of the evidence that he is entitled to compensatory damages.

- See *Clark v. Cantrell*, 339 S.C. 369, 529 S.E.2d 528 (2000); *Baughman v. American Tel. and Tel. Co.*, 306 S.C. 101, 410 S.E.2d 537 (1991); *Barnwell v. Barber-Colman Co.*, 301 S.C. 534, 393 S.E.2d 162 (1989); *Whisenant v. James Island Corp.*, 277 S.C. 10, 281 S.E.2d 794 (1981) (in order for damages to be recoverable, evidence should enable jury to determine amount thereof with reasonable certainty and cannot be left to conjecture, guess, and speculation); *Piggy Park Enters., Inc. v. Schofield*, 251 S.C. 385, 162 S.E.2d 705 (1968); *Laird v. Nationwide Ins. Co.*, 243 S.C. 388, 134 S.E.2d 206 (1964); *Hutchison v. Town of Summerville*, 66 S.C. 442, 45 S.E. 8 (1903) (actual damages are when the wrongful act has caused loss or injury which can be assessed in money; universal and cardinal principle being that the person injured shall receive compensation commensurate with his loss or injury and no more); *Carrigg v. Blue*, 283

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IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NUMBER: 2007-CP-10-1553

**PLAINTIFF'S REQUEST
TO CHARGE # 24**

§ 13-3 Damages - Elements of Actual Damages in Negligence Cases

When one person is injured by the negligent acts of another, the injured person is entitled to be fully compensated for all injuries directly or proximately resulting from any negligent acts or omissions by the defendant.

In determining the amount of compensation for injuries suffered by the plaintiff as a result of the defendant's negligence, it is proper for you to consider and award past, present, and future damages for:

- (1) loss of income;
- (2) loss or impairment of earning capacity;
- (3) out-of-pocket expenses;
- (4) medical expenses, including physicians, hospital, medicines, physical therapy expenses, rehabilitation expenses, and transportation expenses connected with medical treatment;
- (5) any future damages resulting from permanent injuries;
- (6) disfigurement;
- (7) loss of family services;
- (8) deprivation of normal life expectancy;
- (9) alteration of lifestyle;
- (10) psychological trauma;
- (11) mental anguish;
- (12) mental distress;
- (13) apprehension;
- (14) anxiety;
- (15) emotional injury;
- (16) psychological injury;
- (17) depression;

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- (18) sexual dysfunction;
- (19) pain and suffering;
- (20) loss of enjoyment of life.

The plaintiff bears the burden of proving these elements by the preponderance of the evidence.

NOTE: This is a general charge encapsulating a plethora of elements of actual/compensatory damages. Subtract from the charge any element not involved in the case. Additionally, eliminate "future," if not applicable to the case at bar. Remove or redact any facet of the charge that is not included in the evidentiary presentation.

- See *Bates v. Merritt Seafood, Inc.*, 663 F. Supp. 915 (D.S.C. 1987); *McNeill v. United States*, 519 F. Supp. 283 (D.S.C. 1981); *Baldowski v. United States*, 111 F. Supp. 653 (D.S.C. 1953); *Boan v. Blackwell*, 343 S.C. 498, 541 S.E.2d 242 (2001) (where there is evidence of "loss of enjoyment of life," South Carolina juries should be charged this loss is a compensable element, separate and apart from pain and suffering, of a damages award); *Oliver v. Blakeney*, 244 S.C. 565, 137 S.E.2d 772 (1964); *Edwards v. Lawton*, 244 S.C. 276, 136 S.E.2d 708 (1964); *Watson v. Wilkinson Trucking Co.*, 244 S.C. 217, 136 S.E.2d 286 (1964); *Doremus v. Atlantic Coast Line R.R.*, 242 S.C. 123, 130 S.E.2d 370 (1963) (loss or impairment of earning capacity resulting from personal injuries is proper element of compensation and fact that injured party was unemployed at time of injury complained of does not deprive him of right to receive damages for such impairment); *Harper v. Bolton*, 239 S.C. 541, 124 S.E.2d 54 (1962) (pain and suffering is recognized by courts as a very material element of damages on which recovery may be bottomed; damages for pain and suffering are unliquidated and indeterminate in character and assessment of unliquidated damages must rest in sound discretion of jury, controlled by discretionary power of trial judge); *Haselden v. Atlantic Coast Line R.R.*, 214 S.C. 410, 53 S.E.2d 60 (1949); *Rorner v. P.J. Club, Inc.*, 347 S.C. 560, 556 S.E.2d 726 (Ct. App. 2001); *Gasque v. Heublein, Inc.*, 281 S.C. 278, 315 S.E.2d 556 (Ct. App. 1984); 22 Am. Jur. 2d *Damages* §§ 133-34, 139 (1988); F. Patrick Hubbard and Robert L. Felix, *The South Carolina Law of Torts* 555-566 (2d ed. 1997).

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**PLAINTIFF'S REQUEST
TO CHARGE # 25**

**§ 13-4 Damages - Elements of Actual
 Damages - Loss of Earning Capacity**

The loss or impairment of earning capacity caused by personal injury is a proper element of compensation.

"Earning capacity" refers to the capability of a person to sell his labor or services in any market reasonably accessible to him, taking into consideration his general physical functional impairments resulting from acts and conduct of the defendant. Earning capacity does not necessarily mean the actual earnings that one who suffers an injury was making at the time the injuries were sustained, but refers to that which, by virtue of the training, experience, and business acumen possessed, an individual is capable of earning.

"Loss of earning capacity" refers to damage to one's ability to earn wages in the future.

In determining the amount of compensation due to the plaintiff for loss or impairment of earning capacity, you shall consider:

- (1) loss of future earning power, which requires a consideration of all matters that relate to the issue of any impairment;
- (2) the effect which the impairment will have on the plaintiff's capacity to work;
- (3) the extent to which the disability will impair the plaintiff's earning capacity;
- (4) the present value of all losses due to plaintiff's impaired earning power and such physical pain and suffering as reasonably certain will, of necessity, result in the future from the injuries to the plaintiff;
- (5) evidence of what the plaintiff had previously earned when employed in the past is a factor upon which to base any loss or impairment of earning capacity; It is not required that plaintiff be employed at the time of injury in order to recover.

In determining the amount to be awarded for impaired earning capacity, you should consider the health of the injured party and his mental and physical ability to maintain himself and his family before the injury, as compared with his condition in these respects afterward. The extent of the impairment of earning capacity is to be arrived at by comparing what the injured party was capable of earning at or before the time of the injury with what he was capable of earning after it occurred.

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If the plaintiff's injury and impaired or lost earning capacity are permanent, recovery for the lost or impaired earning capacity should be granted for the plaintiff's life expectancy. In awarding damages for loss or impairment to earning capacity, the law provides that a person who is injured may recover for the loss or diminution of his earning capacity during his entire expectancy of life and is entitled to such amount as will compensate him for his loss. Therefore, if you determine the plaintiff is entitled to damages for impairment or loss of earning capacity, then you shall calculate such damages using the South Carolina life expectancy table as a guide.

NOTE: See § 35-12 for a charge regarding the life expectancy table set out in S.C. Code Ann. § 19-1-150 (1985).

- See *Ray v. United States*, 277 F. Supp. 952 (D.S.C. 1968); *Doremus v. Atlantic Coast Line R.R.*, 242 S.C. 123, 130 S.E.2d 370 (1963); *Matthews v. Porter*, 239 S.C. 620, 124 S.E.2d 321 (1962); *Haselden v. Atlantic Coast Line R.R.*, 214 S.C. 410, 53 S.E.2d 60 (1949); *Campbell v. Hall*, 210 S.C. 423, 43 S.E.2d 129 (1947); 22 Am. Jur. 2d *Damages* §§ 157, 160, 162, 163, 167, 171 (1988); *Black's Law Dictionary* 508, 946 (6th ed. 1990).

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IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

CASE NUMBER: 2007-CP-10-1553

**PLAINTIFF'S REQUEST
TO CHARGE # 26**

§ 13-5 Damages - Elements of Actual Damages - Medical Bills

In personal injury actions, the general rule is that the plaintiff may recover for the necessary and reasonable expenses caused by the injury, such as amounts necessarily incurred for medicine, medical services, hospital expense and care, and nursing. A person who suffers personal injuries because of the negligence of another is entitled to recover the reasonable value of medical care and expenses incurred for the treatment of the injuries to the time of trial, as well as the cost of those reasonably certain to be incurred in the future. Accordingly, a plaintiff may recover amounts incurred for past and future medical care, including hospital, physician, and nursing care costs; medicine; and other out-of-pocket and anticipated expenses, such as vocational, physical and other rehabilitation efforts. Recovery for medical expenses is controlled by what the services rendered were reasonably worth and not by what was actually paid or contracted to be paid.

If you determine from the evidence and under the law as I have instructed you that the plaintiff is entitled to recover damages, including medical, hospital, or other health care costs, then the plaintiff can only recover such sums as you determine from the evidence to be both reasonable and necessary. While the amount actually charged and incurred may be considered by you, you are not bound by that amount. You must find only such sum as is reasonable and necessary.

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Damages

To recover for future medical expenses, the plaintiff must prove such expenses are reasonably certain to result in the future from the injury giving rise to the lawsuit.

- See *Pearson v. Bridges*, 344 S.C. 366, 544 S.E.2d 617 (2001); *Haltiwanger v. Barr*, 258 S.C. 27, 186 S.E.2d 819 (1972); *Sossamon v. Nationwide Mut. Ins. Co.*, 243 S.C. 552, 135 S.E.2d 87 (1964); *Haselden v. Davis*, 341 S.C. 486, 534 S.E.2d 295 (Ct. App. 2000), cert. granted, Jan. 11, 2001; *Campbell v. Paschal*, 290 S.C. 1, 347 S.E.2d 892 (Ct. App. 1986) (to recover for future medical expenses, the expenses must be established with reasonable certainty); *Gasque v. Heublein, Inc.*, 281 S.C. 278, 315 S.E.2d 556 (Ct. App. 1984); 22 Am. Jur. 2d Damages § 197 (1988) (if plaintiff has proven entitlement to medical expenses, failure of jury to award damages requires reversal); 22 Am. Jur. 2d Damages § 198 (1988); 22 Am. Jur. 2d Damages § 207 (1988) (in personal injury action, general rule is that plaintiff may recover reasonable value of medical services made necessary by injury, providing the injury was result of defendant's fault).

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
Jamesetta Washington, as Guardian ad)
Litem for Jayden Washington, a minor,)

Plaintiffs,)
)

vs.)
)

Edmund Rhett, Jr., M.D., Low Country)
Obstetrics & Gynecology, P.A., Tenet)
South Carolina, Inc., d/b/a East Cooper)
Regional Medical Center,)
)

Defendants.)
)

IN THE COURT OF COMMON PLEAS)
NINTH JUDICIAL CIRCUIT)
CASE NUMBER: 2007-CP-10-1553)

PLAINTIFF'S REQUEST
TO CHARGE # 27

§ 13-7. Damages - Elements of Actual Damages - Mental Anguish

An Injured party may recover for mental anguish brought about by bodily injury and suffering. Where a party's negligence is directly responsible for physical injury to another, the injured party may recover both for actual physical injury sustained and for concomitant mental and emotional suffering which flow as a natural consequence of the wrongful act.

When connected with a physical injury, the term "mental anguish" includes both the resultant mental sensation of pain and also the accompanying feelings of distress, fright, and anxiety. That is, mental anguish covers not only the pain associated with the injury but also the mental reaction to that pain and to the possible consequences of the injury. "Mental anguish" is more than mere disappointment, anger, worry, resentment, or embarrassment, although it may include all of these, and it includes mental sensation of pain resulting from such painful emotions as grief, severe disappointment, indignation, wounded pride, shame, despair, and humiliation. "Mental anguish" can be composed of fright, nervousness, grief, anxiety, worry, mortification, humiliation, embarrassment, terror, or ordeal.

If you find the injured party is entitled to recover damages, you may consider as an element of those damages such mental anguish as you find, to a reasonable certainty, will occur in the future as a result of the injuries. In assessing mental anguish, you may take into account anxiety or worry about the possible future occurrence or condition resulting from the injuries that the plaintiff received, if you are satisfied to a reasonable certainty that the plaintiff will suffer such anxiety and worry. You may award damages for mental anguish where the evidence shows, for example, that the plaintiff suffered shock, fright, emotional upset, and/or humiliation as the result of the defendant's negligence.

- See *Boan v. Blackwell*, 343 S.C. 498, 541 S.E.2d 242 (2001); 22 Am. Jur. 2d Damages §§ 28, 251, 254-56 (1988); 22 Am. Jur. 2d Damages § 252 (1988) (damages for mental suffering may be properly awarded where plaintiff has suffered physical injury); *Black's Law Dictionary* 985-86 (6th ed. 1990).

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Obstetrics & Gynecology, P.A., Tenet
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Regional Medical Center,)

Defendants.)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NUMBER: 2007-CP-10-1553

**PLAINTIFF'S REQUEST
TO CHARGE # 28**

§ 13-8 Damages - Elements of Actual Damages - Pain and Suffering

Pain and suffering is a material element of damages on which a recovery may be based. The plaintiff is entitled to compensation for his pain and suffering directly resulting from the wrongful acts of the defendant.

An award for pain and suffering compensates the injured person for the physical discomfort and the emotional response to the sensation of pain caused by the injury itself. In making an estimate of damages to be awarded for pain and suffering, you may consider:

- (1) the nature and extent of the injuries and the suffering occasioned by them and its duration or prospective duration;
- (2) the age, health, habits, and condition of the injured party before the injury as compared with his condition afterwards;
- (3) the plaintiff's use of sedatives and other drugs to relieve pain and their effect; and
- (4) any aggravation of pre-existing disorders by the incident in question.

Pain and suffering have no market price. They are not capable of exact measurement, and there is no fixed rule or standard whereby damages for them can be measured.

The amount of damages to be awarded for pain and suffering must be left to the judgment of you, the jury. Additionally, you may include such damage for pain and suffering as it is reasonably certain will of necessity result in the future from the injury. Future pain and suffering on the part of the plaintiff in consequence of the injury constitute a proper element of the damages which may be allowed, provided there is the requisite certainty that such pain and suffering will result.

- See *Boan v. Blackwell*, 343 S.C. 498, 541 S.E.2d 242 (2001); *Haltiwanger v. Barr*, 258 S.C. 27, 186 S.E.2d 819 (1972); *Edwards v. Lawton*, 244 S.C. 276, 136 S.E.2d 708 (1964); *Harper v. Bolton*, 239 S.C. 541, 124 S.E.2d 54 (1962); *Campbell v. Hall*, 210 S.C. 423, 43 S.E.2d 129 (1947); *Mims v. Florence Co. Ambulance Serv. Comm'n*, 296 S.C. 4, 370 S.E.2d 96 (Ct. App. 1988) (amount of damages jury may award for physical pain and suffering and for mental pain and suffering is incapable of exact measurement and is therefore left for determination by jury); *Cohen v. Allendale Coca-Cola Bottling Co.*, 291 S.C. 35, 351 S.E.2d 897 (Ct. App. 1986); 22 Am. Jur. 2d *Damages* §§ 239, 244, 260 (1988); 22 Am. Jur. 2d *Damages* § 247 (1988) (compensation for future pain and suffering is, by the nature of the award, made in advance of

actual pain and suffering; plaintiff is being compensated prior to his damage; because of this, it has been urged that any award for future pain and suffering should be reduced to its present value); 22 Am. Jur. 2d *Damages* § 262 (1988) (setting out factors considered by jury in awarding

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IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NUMBER: 2007-CP-10-1553

**PLAINTIFF'S REQUEST
TO CHARGE # 29**

**§ 13-9 Damages - Elements of Actual
Damages - Loss of Enjoyment of Life**

Loss of the capacity to enjoy life, resulting from a personal injury, is a proper element of damages. If you find evidence of "loss of enjoyment of life," you may award damages for this loss.

Damages for "loss of enjoyment of life" compensate for the limitations, resulting from the defendant's negligence, on the injured person's ability to participate in and derive pleasure from the normal activities of daily life, or for the individual's inability to pursue his talents, recreational interests, hobbies, or avocations. "Loss of enjoyment of life" damages compensate the plaintiff not only for the subjective knowledge that one can no longer enjoy all of life's pursuits, but also for the objective loss of the ability to engage in these activities.

- See *Boan v. Blackwell*, 343 S.C. 498, 541 S.E.2d 242 (2001) (where there is evidence of "loss of enjoyment of life," South Carolina Juries should be charged that this loss is a compensable element, separate and apart from pain and suffering, of a damages award; holding that, where supported by the evidence, jury shall be charged injured person is entitled to recover damages for "loss of enjoyment of life"); 22 Am. Jur. 2d Damages § 272 (1988).

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IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NUMBER: 2007-CP-10-1553

**PLAINTIFF'S REQUEST
TO CHARGE # 30**

§ 13-11 Damages - Future Damages

A plaintiff cannot recover conjectural or speculative damages. However, if you find the plaintiff is entitled to a verdict for actual damages, your verdict should include an amount to cover any damages that the evidence shows will be reasonably certain to occur in the future. Future damages need not be proved to a mathematical certainty and often must be approximated. These future damages must be the result of the defendant's negligence. Any future damages that you award must be reduced to their present-day value.

- See *Pearson v. Bridges*, 344 S.C. 366, 544 S.E.2d 617 (2001) (whether future damages are reasonably certain to occur is the standard of proof for future damages); *Smith v. Wells*, 258 S.C. 316, 188 S.E.2d 470 (1972) (only such future or prospective damages may be recovered as the evidence renders it reasonably certain will of necessity result from the alleged injury); *Haltiwanger v. Barr*, 258 S.C. 27, 186 S.E.2d 819 (1972) (to recover future damages in a negligence case, plaintiff must prove damages are reasonably certain to occur; oftentimes verdict involving future damages must be approximated; wide latitude is allowed jury); *Ford v. A.A.A. Hwy. Express, Inc.*, 204 S.C. 433, 29 S.E.2d 760 (1944) (future or prospective damages must be confined to such as evidence renders it reasonably certain will result from original injury); *Campbell v. Paschal*, 290 S.C. 1, 347 S.E.2d 892 (Ct. App. 1986) (to recover for future medical expenses, the expenses must be established with reasonable certainty; a party need not prove future damages in a personal injury case to a mathematical certainty); *Hall v. Palmetto Enters. II, Inc.*, 282 S.C. 87, 317 S.E.2d 140 (Ct. App. 1984); 22 Am. Jur. 2d Damages §§ 174-181 (1988); 22 Am. Jur. 2d Damages § 226

(1988) (award for future medical expenses must be discounted to present value); 22 Am. Jur. 2d Damages § 647 (1988) (award based on net profits that were to be paid at some future date is reduced to present value of that net profit, the court taking account of fact that plaintiff is being awarded those profits in advance of time that he otherwise would have received them); 22 Am. Jur. 2d Damages § 678 (1988) (as a rule, allowance for future damages must be reduced to its present worth; 22 Am. Jur. 2d Damages § 998 (1988) (for purposes of determining decreased earning capacity, it is generally held that jury should be instructed it should reduce such damages to their present value).

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IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

CASE NUMBER: 2007-CP-10-1553

**PLAINTIFF'S REQUEST
TO CHARGE # 31**

§ 13-20 Damages - Collateral Source Rule

The collateral source rule provides that compensation received by an injured party from a source wholly independent of the wrongdoer will not reduce the amount of damages owed by the wrongdoer. In other words, under the collateral source rule, if an injured plaintiff receives compensation for his injuries from a source wholly independent of the defendant, the payment should not be deducted from the damages

which he would otherwise collect from the defendant. A defendant is not entitled to have the damages for which the defendant is liable reduced by proving the plaintiff has received or will receive compensation or indemnity for the loss from a collateral source, wholly independent of the defendant. A defendant may not benefit from the fact that the plaintiff has received money from other sources as a result of the defendant's wrongful conduct.

The only requirement for qualification as a collateral source is that the source be wholly independent of the wrongdoer. A source is wholly independent of the wrongdoer when the wrongdoer has not contributed to it and when payments to the injured party were not made on behalf of the wrongdoer.

In applying the collateral source rule, South Carolina allows the plaintiff the benefit of both gratuitous benefits and nongratuitous benefits arising from employment, insurance, or other contractual agreements. A benefit directed to an injured party should not be shifted so as to result in a windfall for the wrongdoer. The wrongdoer may not be benefitted by collateral payments made to the person he has wronged. It is the wrongdoer's responsibility to compensate the injured party for all the harm that he causes, not the net loss the injured party receives.

A defendant cannot take advantage of payments or services rendered by a collateral source for the plaintiff's benefit, irrespective of whether the source is an insurance company, an employer, a family member, or other source. A negligent defendant is not entitled to enjoy the fruits of fortuitous circumstances, employer generosity, or diligent effort on the part of the injured plaintiff. The fact that the plaintiff received gratuitous medical care, continued salary or wage payments, proceeds from insurance policies, or welfare and pension benefits will not be taken into account in computing damages.

- See *Citizens and Southern Nat'l Bank v. Gregory*, 320 S.C. 90, 463 S.E.2d 317 (1995) (collateral source rule has been liberally applied in South Carolina to preclude reduction of damages; rule applies to disallow reduction of damages recoverable from tortfeasor by amount recovered on guaranty agreement); *Otis Elevator, Inc. v. Hardin Constr. Co. Group, Inc.*, 316 S.C. 292, 450 S.E.2d 41 (1994) (contractual right to indemnification not defeated by fact that loss was actually paid by insurance company); *Estate of Rattennl v. Grainger*, 298 S.C. 276, 379 S.E.2d 890 (1989) (tortfeasor's liability for damages not reduced by underinsurance proceeds); *New Foundation Baptist Church v. Davis*, 257 S.C. 443, 186 S.E.2d 247 (1972) (tortfeasor's liability for damages not reduced by value of gratuitous repairs); *Id.* (total or partial compensation for injury which injured party receives from collateral source, wholly independent of wrongdoer, does not operate to lessen damages recoverable from wrongdoer); *Powers v. Temple*, 250 S.C. 149, 156

S.E.2d 759 (1967)(tortfeasor's liability for damages not reduced by disability payments from employer); *Pustaver v. Gooden*, Op. No. 3529 (S.C. Ct. App. filed June 27, 2002)(Shearouse Adv. Sh. No. 23 at 65); *Collins v. Bisson Moving & Storage, Inc.*, 332 S.C. 290, 504 S.E.2d 347 (Ct. App. 1998)(where liability of each tortfeasor is separate and independent of that of the others, collateral source rule applies, so that damages which are recoverable against one should not be reduced or mitigated because of damages which have been recovered against the others); *Id.* (compensation received by injured party from source wholly independent of wrongdoer should not be deducted from amount of damages owed by wrongdoer to injured party); *Dixon v. Besco Eng'g, Inc.*, 320 S.C. 174, 463 S.E.2d 636 (Ct. App. 1995)(collateral source rule prevents tortfeasor from receiving reduction in damages due to payments or compensation received by injured person from source wholly independent of tortfeasor; under rule, tortfeasor cannot take advantage of contracts between injured party and third persons); *Johnston v. Alken Auto Parts*, 311 S.C. 285, 428 S.E.2d 737 (Ct. App. 1993)(under collateral source rule, tortfeasor has no right to any mitigation of damages because of payments or compensation received by injured person from source wholly independent of wrongdoer); 22 Am. Jur. 2d Damages §§ 566, 570 (1988); *Black's Law Dictionary* 262 (6th ed. 1990).

- See also *Smith v. Ridgeway Chemicals, Inc.*, 302 S.C. 303, 395 S.E.2d 742 (Ct. App. 1990)(no abuse of discretion to refuse charge regarding collateral source rule where references to rule were minimal during trial); cf. *Rhodes v. Spartanburg County*, 262 S.C. 644, 207 S.E.2d 85 (1974)(failure, in action for damages arising from automobile collision, of trial court to instruct jury on collateral source principle that if, because of plaintiff's disability, plaintiff performed no services and earned no wages during her disability, then the jury, in assessing her damages for loss of time from her employment, should disregard the semi-monthly payment which she received from her employer while disabled was prejudicial error, but only as regards assessment of amount to be awarded her for loss of earnings or loss of time from her employment).

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Defendants.)

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

CASE NUMBER: 2007-CP-10-1553

**PLAINTIFF'S REQUEST
TO CHARGE # 32**

§ 13-21 Damages - Punitive Damages

In this case, the plaintiff seeks punitive damages in addition to actual damages. Punitive damages, also known as exemplary damages, are imposed as punishment. They are not intended to compensate. Punitive damages are allowed in the interest of society in the nature of punishment and as a warning and example to deter the wrongdoer and others from committing like offenses in the future. Moreover, they serve to vindicate a private right by requiring the wrongdoer to pay money to the injured party.

Punitive damages serve at least three important purposes: punishment of the defendant's reckless, willful, wanton, or malicious conduct; deterrence of similar future conduct by the defendant or others; and compensation for the reckless or willful invasion of the plaintiff's private rights. The paramount purpose for awarding punitive damages is not to compensate the plaintiff, but to punish and set an example for others.

What would justify an award of punitive damages? As you consider the issue of punitive damages, the highest burden of proof known to the civil law is applicable. Section 15-33-135 of the South Carolina Code provides:

In any civil action where punitive damages are claimed, the plaintiff has the burden of proving such damages by clear and convincing evidence.

Punitive damages can only be awarded where the plaintiff proves by clear and convincing evidence the defendant's actions were willful, wanton, malicious, or in reckless disregard of the plaintiff's rights. A conscious failure to exercise due care constitutes willfulness. It is the present consciousness of wrongdoing that justifies the assessment of punitive damages against the wrongdoer. Punitive damages will be allowed even when the defendant does not realize he is invading the plaintiff's rights so long as the act is committed in such a manner that a person of ordinary prudence would conclude it was done in reckless disregard of the rights of another.

The plaintiff cannot recover punitive damages based on negligent conduct. Negligence is the doing of some act which a person of ordinary prudence would not have done under similar circumstances or failure to do what a person of ordinary prudence would have done under similar circumstances. Mere negligence will not support a punitive damages award.

To recover punitive damages, the plaintiff must prove by clear and convincing evidence that the defendant's actions were willful, wanton, or reckless. The words recklessness, willfulness and wantonness are synonymous. The terms are used to describe a conscious failure to exercise and observe reasonable or due care.

Recklessness is distinguished from negligence. Negligence is the failure to use due care. Negligence is carelessness. Negligence is failure by omission or commission to exercise due care as a person of ordinary reason and prudence would exercise in the same circumstances.

Recklessness is a higher degree of culpability and responsibility. Recklessness signifies a conscious failure to exercise due care. Recklessness is a conscious indifference to the rights of the plaintiff, or a reckless disregard of the rights of the plaintiff. Recklessness is an awareness of wrongful conduct and a continuation to act regardless of consequences.

The test for determining whether a tort may be deemed reckless, willful or wanton is whether it has been committed in such a manner and under such circumstances that a person of ordinary reason or prudence would have been conscious of it as an invasion of the rights of the injured party.

Before you can award punitive damages, you must first find the plaintiff is entitled to actual or nominal damages. There must be an award of actual or nominal damages for a verdict of punitive damages to be supported. This rule is premised on the fact that liability must be established before a plaintiff can seek punitive damages. Therefore, if you do not award actual or nominal damages, then you cannot award punitive damages.

There is no formula or standard that can be used as a measure for assessing punitive damages. However, factors relevant to your consideration of punitive damages are:

- (1) the character of the defendant's acts;
- (2) the nature and extent of the harm to plaintiff which defendant caused or intended to cause;
- (3) defendant's degree of culpability;
- (4) the punishment that should be imposed;
- (5) duration of the conduct;
- (6) defendant's awareness or concealment;
- (7) the existence of similar past conduct;
- (8) likelihood the award will deter the defendant or others from like conduct;
- (9) whether the award is reasonably related to the harm likely to result from such conduct; and
- (10) defendant's wealth or ability to pay.

The financial condition of a defendant is a factor you should consider in awarding punitive damages. However, there is no requirement that the defendant be a person of means before you are justified in awarding punitive damages. While the wealth of a defendant is a relevant factor in assessing punitive damages, it is not necessarily controlling. In other words, the financial worth of a defendant is a fact properly to be considered by you in determining the amount to be awarded as punitive damages, but evidence of net worth is not a prerequisite to a punitive damage award.

When under proper allegations a plaintiff proves, by clear and convincing evidence, a willful, wanton, reckless, or malicious violation of his rights, it is not only the right but the duty of the jury to award punitive damages. Accordingly, if you should find that the plaintiff is entitled to recover punitive damages in addition to actual damages, it would be your duty to include such damages in your verdict and award such an amount as you may deem reasonable and proper in light of the facts and circumstances.

NOTE: The *Gamble* factors to be considered in post-trial review of a punitive damage award are not required to be included in a jury charge on punitive damages. See *McCourt By and Through McCourt v. Abernathy*, 318 S.C. 301, 309, 457 S.E.2d 603, 608 (1995) (holding "[n]owhere in *Gamble* did we require the factors to be considered in post-trial review of a punitive damage award be included in the jury charge."). However, the *Gamble* factors relevant to post-trial evaluation of an award of punitive damages can be submitted to the jury to assist in its determination of the award of punitive damages. See *Orangeburg Sausage Co. v. Cincinnati Ins. Co.*, 316 S.C. 331, 450 S.E.2d 66 (Ct. App. 1994).

➤ See *James v. Horace Mann Ins. Co.*, 371 S.C. 187, 638 S.E.2d 667 (2006); *Webb v. CSA Transp., Inc.*, 364 S.C. 639, 615 S.E.2d 440 (2005) (evidence of defendant's conduct that is out of jurisdiction and unrelated to plaintiff's injury improper consideration in determining punitive damages); *Durham v. Vinson*, 360 S.C. 639, 602 S.E.2d 760 (2004) (new punitive damages phase ordered after jury heard evidence of defendant's conduct towards a third party); *Frazier v. Budger*, 361 S.C. 94, 603 S.E.2d 587 (2004) (a defendant's ability to pay does not prohibit a jury from awarding punitive damages and a punitive damages award will not be overturned due to defendant's inability to pay; the most important indicium of the reasonableness of punitive damages award is the degree of reprehensibility of the defendant); *Atkinson v. Orkin Exterminating Co.*, 361 S.C. 156, 604 S.E.2d 385 (2004) (due process violated where punitive damages award excessive); *Id.* (issue of punitive damages remanded where jury improperly considered evidence of defendant's unrelated misconduct); *McGee v. Bruce Hosp. Sys.*, 344 S.C. 466, 545 S.E.2d 286 (2001); *Clark v. Cantrell*, 339 S.C. 369, 529 S.E.2d 528 (2000) (purposes of punitive damages are to punish wrongdoer and deter wrongdoer and others from engaging in similar reckless, willful, wanton, or malicious conduct in the future); *Taylor v. Medenica*, 324 S.C. 200, 479 S.E.2d 35 (1996) (trial court is not required to make findings of fact for each factor to uphold punitive damage

award); *South Carolina Farm Bureau Mut. Ins. Co. v. Love Chevrolet, Inc.*, 324 S.C. 149, 478 S.E.2d 57 (1996)(trial judges have long been required, as a threshold matter, to assess culpability of defendant's conduct to determine whether punitive damages are available in a given case, i.e., whether the issue should be submitted to the jury; once trial judge determines punitive damage award is warranted under facts of case, amount to be assessed has historically been measured by jury against character of wrong committed, punishment to be applied, and ability of defendant to pay); *McGee v. Bruce Hosp. Sys.*, 321 S.C. 340, 468 S.E.2d 633 (1996); *Wise v. Broadway*, 315 S.C. 273, 433 S.E.2d 857 (1993); *Kinard v. Crosby*, 315 S.C. 237, 433 S.E.2d 835 (1993)(punitive damage charge survives constitutional scrutiny if (1) trial court's jury instruction explains nature, purpose and basis for award; (2) post-trial procedures enable court to scrutinize award; and (3) appellate review process ensures that award is reasonable and rational); *Gamble v. Stevenson*, 305 S.C. 104, 406 S.E.2d 350 (1991)(to ensure that punitive damage award is proper, trial court shall conduct post-trial review and may consider the following: (1) defendant's degree of culpability; (2) duration of conduct; (3) defendant's awareness or concealment; (4) existence of similar past conduct; (5) likelihood award will deter defendant or others from like conduct; (6) whether award is reasonably related to harm likely to result from such conduct; (7) defendant's ability to pay; and (8) "other factors" deemed appropriate); *Id.* (upon completing its review, dedicated to the postulate that no award be grossly disproportionate to severity of offense, trial court shall set forth its findings on the record; amount of damages, actual or punitive, remains largely within discretion of jury, as reviewed by trial judge); *Bainwell v. Barber-Colman Co.*, 301 S.C. 534, 393 S.E.2d 162 (1989); *Graham v. Whitaker*, 282 S.C. 393, 321 S.E.2d 40 (1984)(issue of punitive damages must be submitted to jury if more than one reasonable inference can be drawn from evidence as to whether defendant's behavior was reckless, willful, or wanton); *Martin v. Martin*, 262 S.C. 168, 203 S.E.2d 385 (1974)(test for determining whether a tort may be deemed reckless, willful or wanton is whether it has been committed in such a manner and under such circumstances that a person of ordinary reason or prudence would have been conscious of it as an invasion of the rights of the injured party); *Harris v. Burnside*, 261 S.C. 190, 199 S.E.2d 65 (1973); *Gilbert v. Duke Power Co.*, 255 S.C. 495, 179 S.E.2d 720 (1971); *Hicks v. Herring*, 246 S.C. 429, 144 S.E.2d 151 (1965); *Carroway v. Johnson*, 245 S.C. 200, 139 S.E.2d 908 (1965); *Laird v. Nationwide Ins. Co.*, 243 S.C. 388, 134 S.E.2d 206 (1964); *Norton v. Ewaskio*, 241 S.C. 557, 129 S.E.2d 517 (1963); *Fennell v. Littlejohn*, 240 S.C. 189, 125 S.E.2d 408 (1962)(one of the chief purposes in awarding damages of this class is to punish the wrongdoer, not only to prevent by him a recurrence of the wrongful act, but to deter others from conduct of the same or similar kind); *Rogers v. Florence Printing Co.*, 233 S.C. 567, 106 S.E.2d 258 (1958); *Hicks v. McCandlish*, 221 S.C. 410, 70 S.E.2d 629

(1952); *Charles v. Texas Co.*, 199 S.C. 156, 48 S.E.2d 719 (1942)(defendant's financial ability to pay is always a factor to be considered by jury in awarding punitive damages); *Sample v. Gulf Refining Co.*, 183 S.C. 399, 191 S.E. 209 (1937); *Cook v. Atlantic Coast Line R.R.*, 183 S.C. 279, 190 S.E. 923 (1937)(where pleadings allege and evidence shows conscious and willful violation, invasion, or infringement of legal right, law will presume damages sufficient to sustain action, even though such damages may be only nominal and not capable of exact measurement, and in such case verdict for punitive damages without finding of actual damages will be sustained); *Mellen v. Lane*, 377 S.C. 261, 659 S.E.2d 236 (Ct. App. 2008); *Austin v. Specialty Transp. Services, Inc.*, 358 S.C. 298, 594 S.E.2d 867 (Ct. App. 2004); *Rorrer v. P.J. Club, Inc.*, 347 S.C. 560, 556 S.E.2d 726 (Ct. App. 2001)(there can be no recovery of punitive damages without a finding of actual damages); *Welch v. Epstein*, 342 S.C. 279, 536 S.E.2d 408 (Ct. App. 2000)(issue of punitive damages must be submitted to jury if more than one reasonable inference can be drawn from evidence as to whether defendant's behavior was reckless, willful, or wanton); *Scott v. Porter*, 340 S.C. 158, 530 S.E.2d 389 (Ct. App. 2000)(amount of punitive damages awarded is largely within jury's discretion, though reviewable by trial judge; trial judge is not required to make findings of fact for each factor to uphold punitive damages award); *Hawkins v. Pathology Assoc.*, 330 S.C. 92, 498 S.E.2d 395 (Ct. App. 1998); *Lister v. NationsBank*, 329 S.C. 133, 494 S.E.2d 449 (Ct. App. 1997)(amount of damages, actual or punitive, remains largely within discretion of finder of fact, as reviewed by trial judge); *Carter v. R.J. Jordan Oil Co.*, 301 S.C. 84, 390 S.E.2d 367 (Ct. App. 1990); *Clamp v. Clamp*, 293 S.C. 142, 359 S.E.2d 86 (Ct. App. 1987); *Broom v. Southeastern Hwy. Contracting Co.*, 291 S.C. 93, 352 S.E.2d 302 (Ct. App. 1986)(in South Carolina, unlike most jurisdictions, award of punitive damages does not rest in discretion of jury but is recoverable as a matter of right); *Save Charleston Found. v. Murray*, 286 S.C. 170, 333 S.E.2d 60 (Ct. App. 1985)(proof of nominal damages can support award of punitive damages); *Camp v. Components, Inc.*, 285 S.C. 443, 330 S.E.2d 315 (Ct. App. 1985); S.C. Code Ann. § 15-33-135 (Supp. 2001)(in any civil action where punitive damages are claimed, plaintiff has burden of proving such damages by clear and convincing evidence); 22 Am. Jur. 2d *Damages* §§ 539, 542, 544, 553 (2003); *Black's Law Dictionary* 390, 1032, 1271, 1582, 1599 (6th ed. 1990).

VERDICT FORM

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Jamesetta Washington, as Guardian
ad Litem for Jayden W., a
minor,

Case No. 2007-CP-10-1553

Plaintiff,

v.

Edmund Rhett, Jr., M.D., Low
Country Obstetrics & Gynecology,
P.A.,

Defendants.

FILED
2010 AUG 13 PM 4:20
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

1. Did the Plaintiff prove by the greater weight or preponderance of the evidence that the Defendant Dr. Rhett deviated from the standard of care?

Yes

☐

No

☒

If you answer to question 1 is "no," end your deliberations. You have reached a verdict for the Defendants. If not, continue to question 2. Only answer question 2 if you answered "yes" in response to question 1.

2. Did the Plaintiff prove by a greater weight or preponderance of the evidence that the negligence of the Defendant Dr. Rhett was the proximate cause of the alleged injuries to Jayden W.?

Yes

☐

No

☐

If your answer to question 2 is "no," end your deliberations. You have reached a verdict for the Defendants. If not, continue to question 3.

3. If your answers to questions 1 and 2 are yes, please state the total amount of actual damages sustained by the Plaintiff:

_____ Dollars (\$_____).

I certify that this decision is the unanimous decision of the jury.

 Phillip Sewell
Phillip Sewell, Foreperson
August 10, 2010

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

AFFIDAVIT

2010 AUG 23 PM 5:01
JULIE J. ARMSTRONG
CLERK OF COURT

FILED

PERSONALLY APPEARED before me, MARY H. WATTERS, who first
being duly sworn, deposes and says:

1. I am Mary H. Watters of Charleston, South Carolina. I make this
Affidavit based on my own personal knowledge and my conversations with certain jurors who
served in the trial of Washington v. Rhett, CA: 07-CP-10-1553. The statements contained
herein are true and correct as to my own knowledge, except as to those based upon information
and belief, and as to those I believe them to be true. I am over the age of 18 and legally
competent to make this Affidavit.

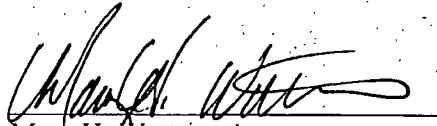
2. I am a practicing attorney with the Graham Law Firm which represents the
Plaintiff in the above-referenced matter. I participated in the above-referenced trial, and,
following the trial, with the permission of Judge Baxley, I proceeded to contact jurors who had
served in the trial. With each contact, I asked the juror's permission to talk with them and upon
receiving their agreement, discussed the trial, their impressions, deliberations, and their verdict.
Specifically, I spoke with the following jurors: Phillip Sewell, Regina Bell, and Heather Benton.
Based on multiple and extensive conversations with these jurors, I am informed and believe the
following statements to be true:

a. The jurors interpreted the charges regarding the standard of care to grant to a
physician unduly broad discretion in his performance of medical treatment and interventions;

- b. The jurors believed that Dr. Rhett's use of the vacuum caused Jayden W's brain bleeds but believed that the presence of a purported emergency essentially abrogated Dr. Rhett's duty to comply with the standard of care;
- c. The jurors did not recognize or understand that the failure to obtain informed consent for use of a vacuum extractor in the delivery of Jayden W, in and of itself, constitutes a breach of the standard of care;
- d. The jurors misunderstood Judge Baxley's finding that the Consent for Treatment document did not in and of itself constitute informed consent for use of a vacuum extractor. They understood Judge Baxley's ruling to indicate that they need not make any findings as to Informed Consent;
- e. The jurors' interpretation of the verdict form indicated to them that they need not deliberate or reach the issue of Informed Consent unless and until they made a determination as to whether or not Plaintiff proved that Dr. Rhett deviated from the standard of care;
- f. Based on my observations at trial, juror # 12, Jerilyn Woods, held a bias against Plaintiff and/or counsel from the outset of trial as evidenced by her behavior during trial, her negative and dismissive body language and looks toward Plaintiff and Plaintiff's counsel as well as her overtly positive and friendly behavior and looks toward Defendant, Defendant's family and defense counsel;
- g. Ms. Woods' overt behavior was also noted by other jurors who revealed that at the beginning of deliberations, Ms. Woods stated her support of the Defendant's position and made it known that nothing would lead her to change her mind. As such, she refused to engage in deliberations as instructed by the court;

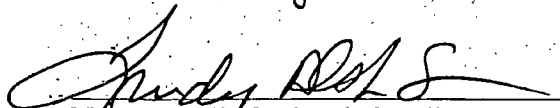
h. The jurors revealed that Ms. Woods and Mr. Sewell had certain personal experiences with medical personnel or facilities that were not revealed in jury voir dire inquiries. These experiences may have affected each juror's ability to be fair and impartial in their duties. Had they been revealed in voir dire these personal experiences may have led to dismissal for cause or, if not dismissed for cause, would have been information that most probably would have impacted the parties' determinations as to peremptory strikes.

FURTHER AFFIANT SAYETH NAUGHT.


Mary H. Watters, Attorney

SWORN TO BEFORE ME THIS

23 day of August, 2010


Notary Public for South Carolina
My Commission Expires: 9/22/2014



Graham
Law Firm, P.A.

Edward L. Graham
Mary H. Watters

383 W. Cheves Street (29501)
P. O. Box 550
Florence, SC 29503

Telephone (843)662-3281
Facsimile (843) 665-0254

September 24, 2010

The Honorable Tanya Gee
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: *Washington v. Rhett*
Case No.: 2007-CP-10-1553

Dear Ms. Gee:

Please find enclosed for filing a Notice of Appeal in the above referenced case. Also enclosed are the following:

1. Proof of Service on Respondents;
2. A copy of the Order which is to be challenged on appeal; and
3. Our firm's check for \$100.00 for the filing fee.

With kindest personal regards, I am

Yours very truly,

Edward L. Graham

cc: Molly H. Craig

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

Case No. 2007-CP-10-01553

Jamesetta Washington, as Guardian ad Litem for
Jayden Washington, a minor

Appellant,

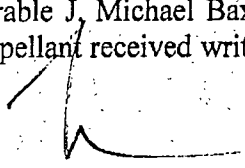
v.

Edmund Rhett, Jr., M.D., Low Country Obstetrics
and Gynecology, P.A.; Tenet South Carolina, Inc.,
d/b/a East Cooper Regional Medical Center,

Respondents.

NOTICE OF APPEAL

Jamesetta Washington, as Guardian ad Litem for Jayden Washington, a minor, appeals the Order Denying Plaintiff's Motion for New Trial Absolute of the Honorable J. Michael Baxley dated August 26, 2010 and entered of record on September 1, 2010. Appellant received written notice of the Order on September 10, 2010.


Edward L. Graham
Mary H. Watters
GRAHAM LAW FIRM, P.A.
Post Office Box 550
Florence, SC 29501
(843) 662-3281

Attorneys for Appellant

September 24, 2010

Other Counsel of Record:
Molly H. Craig
HOOD LAW FIRM, LLC
Post Office Box 1508
Charleston, SC 29402

Attorney for Respondent

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

Jamesetta Washington, as Guardian ad)
Litem for Jayden W i, a minor)

Plaintiff,)

vs.)

Edmund Rhett, Jr., M.D., Low Country)
Obstetrics and Gynecology, P.A.; Tenet)
South Carolina, Inc., d/b/a East Cooper)
Regional Medical Center,)

Defendants.)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
2007-CP-10-01553

ORDER DENYING
PLAINTIFF'S MOTION FOR
NEW TRIAL ABSOLUTE
(Ending Case)

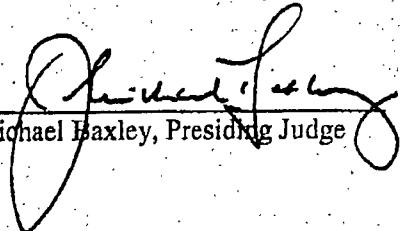
2010 SEP 11 AM 11:40
JULIE A. HENNING
CLERK OF COURT

FILED

This medical malpractice claim, after a three week trial, ended in a jury verdict for Defendants on August 11, 2010. Plaintiff has now moved for a new trial absolute, citing six (6) reasons for this requested relief. After review, the Court finds Plaintiff's cited bases for relief are not meritorious, the trial was fair, and there was substantial evidence in the record to support the jury's decision. Therefore, Plaintiff's post-trial motion is denied, and the jury verdict for Defendants is confirmed.

IT IS SO ORDERED.

August 26, 2010


J. Michael Haxley, Presiding Judge

This judgment was entered on this ____ day of ____ 2010.
A copy mailed first class on this ____ day of ____ 2010, to attorneys of record
as follows:

Attorney for the Plaintiffs
Edward L. Graham, Esquire
383 W. Cheves Street
Florence, SC 29501

Attorney for the Defendants
Molly H. Craig, Esquire
P.O. Box 1508
Charleston, SC 29402

CLERK OF COURT

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

Case No. 2007-CP-10-01553

Jamesetta Washington, as Guardian ad Litem for
Jayden Washington, a minor

Appellant,

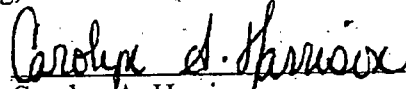
v.

Edmund Rhett, Jr., M.D., Low Country Obstetrics
and Gynecology, P.A.; Tenet South Carolina, Inc.,
d/b/a East Cooper Regional Medical Center,

Respondents.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Edmund Rhett, Jr., M.D. Inc. by depositing a copy of it in the United States Mail, postage prepaid, on September 28th, 2010, addressed to his attorney of record, Molly H. Craig, Post Office Box 1508, Charleston, South Carolina 29402.


Carolyn A. Harrison
Paralegal to Edward L. Graham
Post Office Box 550
Florence, SC 29501
(843) 662-3281
October 22, 2009

20031

GRAHAM LAW FIRM, P.A.

OPERATING ACCOUNT
P.O. BOX 550 PH. (843) 662-3281
FLORENCE, SC 29503-0550

THE NATIONAL BANK OF SOUTH CAROLINA
FLORENCE, SOUTH CAROLINA
67-66-532

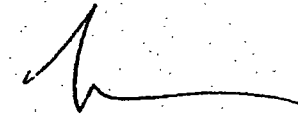
9/15/2010

PAY TO THE ORDER OF SC Court of Appeals Clerk of Court

\$ **100.00.

One Hundred and 00/100***** DOLLARS

SC Court of Appeals
Clerk of Court
PO Box 11629
Columbia, SC 29211



AUTHORIZED SIGNATURE

MEMO

Washington Notice of Intent to Appeal

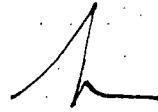
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CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material

February 19th, 2013



Edward L. Graham
Graham Law Firm, P.A.
P.O. Box 550
Florence, SC 29503
(843)662-3281
Attorney for Appellants

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS

The Honorable Michael J. Baxley, Circuit Court Judge

CASE NO.: 2007-CP-10-1553

Jamesetta Washington, as Guardian ad Litem for
Jayden Washington, a minor Appellants,

v.

Edmund Rhett, Jr., M.D., Low Country Obstetrics and Gynecology, P.A.; Tenet
South Carolina, Inc. d/b/a East Copper Regional Medical Center and AMN
Services, Inc. f/k/a Nurses RX Inc.....Defendants,

Of Whom Edmund Rhett, Jr. MD is.....Respondent.

PROOF OF SERVICE

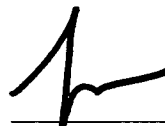
The undersigned, an attorney in this matter for the Appellants, certifies that I have this
19th day of February 2013 served a copy of the Record on Appeal upon counsel for the
Respondents by depositing it in the United States mail, first-class postage prepaid, addressed to:

Robert H. Hood, Esq.
Molly H. Craig, Esq.
Chilton Grace Simmons, Esq.
Deborah H. Sheffield, *of counsel*
Hood Law Firm, LLC
P.O. Box 1508
Charleston, SC 29402

RECEIVED

FEB 22 2013

SC Court of Appeals



Edward L. Graham
GRAHAM LAW FIRM, P.A.
P.O. Box 550
Florence, SC 29501
843-662-3281-T